

# **Order to Specify the Matters Serving As the Standards of Judgement for Ensuring the Use of Legally Harvested Wood and Wood Products by Wood-Related Business Entities**

(Order of the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, and the Ministry of Land, Infrastructure, Transport and Tourism No. 2 of May 23, 2017)

(Definitions)

Article 1 The terms used in this Ministerial Order have the same meaning as the terms used in the Act on Promoting the Distribution and Use of Legally Harvested Wood and Wood Products (hereinafter referred to as "the Act") and the Regulation for Enforcement of the Act on Promoting the Distribution and Use of Legally Harvested Wood and Wood Products (Order of the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, and the Ministry of Land, Infrastructure, Transport and Tourism No.1 of 2017; hereinafter referred to as "the Regulation").

(Matters Concerning Confirmation)

Article 2 A wood-related business entity, according to the categories of business listed in the following items and by a method specified respectively in those items, confirm that the tree used as a raw material of wood and wood products to be handled (in case of articles listed in Article 2, item (i) of the Regulation limited to the raw materials for the members; in case of articles listed in item (iv) of the same Article, limited to the raw materials for the base materials; the same applies hereinafter) have been logged in accordance with the laws and regulations of Japan or the country of origin (hereinafter referred to as "Confirmation of Legality"):

- (i) type I Wood-Related Business that falls under Article 1, item (i), (a), (c) or (d) of the Regulation; The wood-related business entity will have the owner of tree or the person who exports wood and wood products to Japan submit the following documents (including electronic or magnetic records; the same applies hereinafter) and confirm the content of the documents, by taking into consideration the information set forth in Article 4, paragraph (2) of the Act (hereinafter referred to as "Information on Laws and Regulations, etc."), the records of business transactions with the owner of the tree or the person who exports wood and wood products to Japan, and other necessary information:
  - (a) A document stating the following matters concerning logs transferred from the owner of the tree, logs entrusted or re-entrusted for sale, or

imported wood and wood products:

1. type and tree species of the tree used as a raw material
  2. the country or region where the tree used as a raw material was logged
  3. weight, area, volume or quantity
  4. the name and address of the owner of tree used as a raw material or the person who exports wood and wood products to Japan
- (b) a document evidencing that the tree used as a raw material for the log or wood and wood products set forth in (a) has been logged in accordance with the laws and regulations of Japan or the country of origin
- (ii) type I Wood-Related Business that falls under Article 1, item (i), (b) of the Regulation; The wood-related business entity will confirm the content of the following documents, by taking into consideration the Information on Laws and Regulations, etc. and other necessary information:
- (a) a document stating the matters listed in (a), 1. through 3. of the preceding item on logs made from the tree in the Type I Wood-related Business Entity's possession
  - (b) a document evidencing that the tree set forth in (a) has been logged in accordance with the laws and regulations of Japan
- (iii) type II Wood-Related Business; The wood-related business entity will confirm the content of the documents provided pursuant to the provisions of Article 4 or any other documents similar thereto.

(Matters Concerning Additional Measures that Need to Be Taken)

Article 3 An entity engaged in Type I Wood-Related Business will take a measure listed in any of the following items, when it is unable to conclude Confirmation of Legality by the confirmation process under the provisions of item (i) or (ii) of the preceding Article with regard to the wood and wood products to be handled in the Type I Wood-Related Business:

- (i) the entity will collect information, other than documents listed in item (i), (b) or item (ii), (b) of the preceding Article, pertaining to the fact that the tree used as a raw material for wood and wood products whose Confirmation of Legality is unable to be concluded has been logged in accordance with the laws and regulations of Japan or the country of origin and confirm the content of the information, by taking into consideration Information on Laws and Regulations, etc. and other necessary information; and
- (ii) the entity will not handle wood and wood products whose Confirmation of Legality is unable to be concluded.

(Matters Concerning Necessary Measures When Wood and Wood Products Are Transferred)

Article 4 A wood-related business entity will, when transferring wood and wood

products (excluding the case of transferring them to consumers), provide documents stating or recording the following matters to the person who acquires the relevant wood and wood products or accepts entrustment with the sale of the wood and wood products.

- (i) in case of an entity engaged in Type I Wood-Related Business, the fact that a confirmation was performed under the provisions of Article 2, item (i) or (ii), or item (i) of the preceding Article, and, if applicable, the fact that Confirmation of Legality was concluded;
- (ii) in case of an entity engaged in Type II Wood-Related Business, the fact that a confirmation was performed under the provisions of Article 2, item (iii), and, if applicable, the fact that Confirmation of Legality was concluded; and
- (iii) in case of an entity that has been registered as a wood-related business entity set forth in Article 8 of the Act, or obtained other registration, certification or accreditation pursuant to the system that contributes to promoting the distribution and use of legally harvested wood and wood products, the fact.

#### (Matters Concerning Storage of Records)

Article 5 A wood-related business entity, with regard to the records pertaining to confirmation under the provisions of each item of Article 2 or Article 3, item (i), preserve the documents and records specified respectively in those items for five years, according to the categories of business listed in the following items:

- (i) type I Wood-Related Business that falls under Article 1, item (i), (a), (c) or (d) of the Regulation; Documents listed in Article 2, item (i), (b) and records concerning confirmation under the provisions of the same item and Article 3, item (i); and
- (ii) type I Wood-Related Business that falls under Article 1, item (i), (b) of the Regulation; Documents listed in Article 2, item (ii), (b) and records pertaining to confirmation under the provisions of the same item and Article 3, item (i)
- (iii) type II Wood-Related Business; Records concerning confirmation under the provisions of Article 2, item (iii) and documents provided pursuant to the provisions of Article 4.

#### (Development of Operational Management)

Article 6 In order to promote the distribution and use of legally harvested wood and wood products, a wood-related business entity will separately manage legally harvested wood and wood products, assign personnel responsible for the measures to ensure the use of legally harvested wood and wood products, and develop other necessary operational management.

## **Supplementary Provisions**

This Ministerial Order comes into effect as from the date of promulgation.