

# Act on Recycling of End-of-Life Automobiles

(Act No. 87 of July 12, 2002)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to ensure that waste from end-of-life automobiles is properly disposed of and that resources are used effectively through reduction of the amount of waste from end-of-life automobiles, and recycling and sufficiently using the recycled parts of the end-of-life automobiles. This is to be accomplished by having automobile manufacturers, etc. and operators of related businesses collect and deliver the end-of-life automobiles, and by means of recycling end-of-life automobiles, etc. in an appropriate and smooth manner, thereby contributing to the preservation of the environment and the development of a sound national economy.

(Definitions)

- Article 2 (1) The term "vehicle" as used in this Act means a vehicle prescribed in the Road Transport Vehicle Act (Act No. 185 of 1951), Article 2, paragraph (2) (except for the following items).
- (i) towed vehicles ( Among the automobiles prescribed in the Road Transport Vehicle Act, Article 2, paragraph (2), those that are equipment manufactured for towing and moving over land; hereinafter the same applies in this paragraph).
  - (ii) compact automobiles and light vehicles prescribed in Article 3 of the Road Transport Vehicle Act (except for towed vehicles) and two-wheel vehicles (including those with a side car)
  - (iii) the large custom-made automobiles and small custom-made automobiles (except for towed vehicles) prescribed in Article 3 of the Road Transport Vehicle Act
  - (iv) beyond what is set forth in the preceding three items, automobiles specified by Cabinet Order
- (2) The term "end-of-life automobiles" as used in this Act means automobiles (including those used as warehouses and those used for purposes other than transportation; the same applies hereinafter) which are no longer in use (in automobiles possessing anything specified by Cabinet Order consisting of refrigeration equipment for refrigerated cargo or equipment that is removed and recycled when other automobiles are removed from regular use and recycled, those for which the termination of the use and the removal of the equipment has occurred.).
- (3) The term "dismantled automobiles" as used in this Act means remains after the recovery of parts, materials and other useful items that have been separated by dismantling the end-of-life automobiles.
- (4) The term "specified parts for recycling" as used in this Act means automobile shredder residue and designated parts for recovery; and the term "specified parts for recycling, etc." means specified parts for recycling and fluorocarbons.
- (5) The term "automobile shredder residue" as used in this Act means residue which remains after the dismantled vehicles have been shredded and metal and other useful substances have been separated and recovered.
- (6) The term "designated parts for recovery" as used in this Act means parts specified by Cabinet Order as having been installed in automobiles which fall under any of the following items.
- (i) automobiles for which, when the vehicles have become end-of-life automobiles, the recovery by dismantling operators of the parts from the end-of-life automobiles, the transfer of the parts to the vehicle manufacturers, etc, and recycling makes recycling of the end-of-life automobiles proceed

- adequately and smoothly, and for which it is necessary to reduce the volume of waste materials and make effective use of recycled resources.
- (ii) automobiles found not to be significantly limited from an economic standpoint when planning recycling of the parts
  - (iii) automobiles for which the design of the parts or the parts or the type of raw material is recognized as having a significant impact on the planning for recycling of the goods when the automobiles have become end-of-life automobiles
- (7) The term "fluorocarbons" as used in this Act means fluorocarbons prescribed in Article 2, paragraph (1) of the Act on Secure Implementation of Recovery and Destruction of Fluorocarbons for Specified Products (Act No. 64 of 2001; hereinafter referred to as the "Fluorocarbons Recovery and Destruction Act").
- (8) The term "specified air conditioners" as used in this Act means air conditioners which have been installed in automobiles (of these vehicles, restricted to those used for cooling a location and installed in passenger vehicles; the same applies hereinafter) in which fluorocarbons have been packed as a cooling medium.
- (9) The term "recycling" as used in this Act means acts prescribed below.
- (i) acts making it possible to use all or part of end-of-life automobiles, dismantled automobiles or specified parts for recycling as raw materials, parts and the parts of other products
  - (ii) acts making it possible to use all or part of end-of-life automobiles, dismantled automobiles or specified parts for recycling, making it possible to supply them for incineration or for obtaining recovering energy from those which may be combustible.
- (10) The term "recycling, etc." as used in this Act means recycling and the destruction of fluorocarbons (indicating destruction as prescribed in Article 33, paragraph (3) of the Fluorocarbons Recovery and Destruction Act; the same applies hereinafter).
- (11) The term "collection operations" as used in this Act means operations involving the collecting of end-of-life automobiles from the owners of automobiles (except for operations wherein transportation is carried out only in order to deliver end-of-life automobiles to a party designated by the owner of the automobile after receiving an entrustment therefrom), and "collection operators" as used in this Act means entities having obtained the registration under Article 42, paragraph (1) for carrying out collection operations.
- (12) The term "fluorocarbons recovery operations" as used in this Act means operations involving the recovery of fluorocarbons from specified air conditioners installed in end-of-life automobiles, and "fluorocarbons recovery operators" as used in this Act means a person having obtained the registration of Article 53, paragraph (1) for carrying out fluorocarbons recovery operations.

- (13) The term "dismantling operations" as used in this Act means operations involving the dismantling of end-of-life automobiles or dismantled vehicles, and the term "dismantling operators" as used in this Act means a person having obtained the license of Article 60, paragraph (1) for carrying out dismantling operations.
- (14) The term "shredding and sorting operations" as used in this Act means operations involving the shredding and sorting of dismantled automobiles and pre-shredding and sorting processing (meaning compressing and other pre-shredding and sorting processing as specified by order of the competent ministry; the same applies hereinafter), and "shredding and sorting operators" as used in this Act means a person having obtained the license of Article 67, paragraph (1) for carrying out shredding and sorting operations.
- (15) The term "manufacturing, etc." as used in this Act means acts prescribed below.
- (i) Acts of manufacturing automobiles (except for those entrusted (limited to those specified by order of the competent ministry; the same applies hereinafter in this paragraph) by another person (excluding the non-residents prescribed in the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949), Article 6; the same applies hereinafter in this paragraph)
  - (ii) acts of importing automobiles (except for those where an entrustment is received from another entity)
  - (iii) acts of entrusting the acts listed in the preceding items (i), (ii) to another entity
- (16) The term "vehicle manufacturers, etc." as used in this Act means entities carrying out the manufacture, etc. of automobiles in the course of trade.
- (17) The term "related business operators" as used in this Act means collection operators, fluorocarbons recovery operators, dismantling operators or shredding and sorting operators.

(Responsibilities of Automobile Manufacturers)

Article 3 (1) Automobile manufacturers, etc. must endeavor to promote long-term use of automobiles, facilitate the recycling, etc. of end-of-life automobiles and endeavor to reduce the expenses required for the recycling, etc. of end-of-life automobiles by devising the design of automobiles and parts thereof or types of raw materials.

- (2) Automobile manufacturers, etc. must take into account the importance of the role they play in the implementation of the recycling, etc. of end-of-life automobiles to provide implementation in an appropriate and smooth manner, and adequately provide information regarding the structure of automobiles they manufacture, etc. as well as parts and raw materials used to related business operators, and must endeavor to cooperate as necessary to implement

recycling, etc. of end-of-life automobiles.

(Responsibilities of Related Business Operators)

Article 4 (1) The related business operators must endeavor to improve their knowledge and competence relating to recycling of end-of-life automobiles to properly dispose the waste pertaining to the end-of-life automobiles and to ensure that the resources are used effectively by implementing recycling of end-of-life automobiles in a proper and smooth manner.

(2) Collection operators must work in concert with the automobile manufacturers, etc. to ensure that the automobile owners are thoroughly familiar with the fees for recycling, etc. of automobiles and other matters and must endeavor so that the delivery of the end-of-life automobiles by the owners of the automobiles is carried out in a smooth manner.

(Responsibilities of Automobile Owners)

Article 5 Automobile owners must endeavor so as to prevent vehicles from becoming End-of-Life Vehicles by using the vehicle for as long a period as possible, and endeavor to promote recycling, etc. of end-of-life automobiles by selecting a automobile manufactured taking into account the implementation of recycling, etc. when they purchase a vehicle and using goods obtained from recycling of end-of-life automobiles or goods using them.

(Responsibilities of the State)

Article 6 (1) The State must endeavor to promote research and development relating to recycling, etc. of end-of-life automobiles, to disseminate the results, and take other necessary measures.

(2) The State must endeavor to appropriately provide expenses required for recycling, etc. of end-of-life automobiles, to provide resources in an amount which can be effectively utilized in recycling, and other information required for recycling, etc. of end-of-life automobiles to promote the delivery of end-of-life automobiles by the automobile owners as well as implement recycling by related business operators in a proper and smooth manner.

(3) The State must, through educational and publicity activities, endeavor to increase the public understanding of the recycling, etc. of end-of-life automobiles and to ask for public cooperation for the implementation of such activities. The State must, through educational and publicity activities, endeavor to increase the public understanding of promotion of the effective use of recycled resources and to ask for public cooperation for the implementation of the relevant activities

(Responsibilities of Local Governments)

Article 7 Local governments must endeavor to take the necessary measures to promote recycling, etc. of end-of-life automobiles pursuant to local circumstances conjointly with national policies.

## **Chapter II Implementation of Recycling**

### **Section 1 Recycling Implemented by Related Business Operators**

(Obligations to Deliver End-of-Life Automobiles)

Article 8 When an automobile has become an end-of-life automobile, the automobile owner must deliver the End-of-Life Vehicle to a collection operator.

(Collection Obligation of Collection Operators)

Article 9 (1) When a request is made for collection of an End-of-Life Vehicle, the collection operator must confirm whether or not a recycling deposit, etc. (hereinafter referred to in this Article simply as "recycling deposit, etc.") prescribed in Article 73, paragraph 6 for the End-of-Life Vehicle has been deposited with a deposit management entity prescribed in Article 92, paragraph 1 (hereinafter referred to simply as "deposit management entity" in this Chapter, Chapter 4 and Chapter 5) and, except for the cases falling under any of the following items, collect the End-of-Life Vehicle from the entity requesting collection.

(i) When a recycling deposit, etc. for the end-of-life automobiles has not been deposited with a deposit management corporation

(ii) When there are legitimate grounds specified by order of the competent ministry

(2) In cases falling under item (i) of the preceding paragraph, the collection operator must notify the entity requesting collection pursuant to the provisions of the preceding paragraph that the recycling deposit, etc. has been deposited with a deposit management entity.

(Delivery Obligation of Collection Operators)

Article 10 When an End-of-Life Vehicle has been collected, the collection operator must promptly deliver the End-of-Life Vehicle to a fluorocarbons recovery operator if a specified air conditioner is installed in the End-of-Life Vehicle and to a dismantling operator if one is not installed.

(Collection Obligation of Fluorocarbons Recovery Operators)

Article 11 When a request has been made by a collection operator to collect an End-of-Life Vehicle as indicated in the preceding Article, the fluorocarbons recovery operator must collect the End-of-Life Vehicle unless there are legitimate grounds specified by order of the competent ministry.

(Recovery Obligation of Fluorocarbons Recovery Operators)

Article 12 When an End-of-Life Vehicle has been collected, the fluorocarbons recovery operator must recover the fluorocarbons from the specified air conditioner installed in the End-of-Life Vehicle in accordance with standards relating to recovery of fluorocarbons specified by order of the competent ministry.

(Obligations of Fluorocarbons Recovery Operators to Deliver Fluorocarbons)

Article 13 (1) When the fluorocarbons are recovered pursuant to the provisions of the preceding Article, except for instances in which the fluorocarbons themselves are to be reutilized (used as a refrigerant and as raw material for other products or when bringing them to a condition whereby they are transferred gratuitously or for a fee to entities using them as a refrigerant or as raw material for other products; the same applies hereinafter), the fluorocarbons recovery operator must deliver the fluorocarbons to automobile manufacturers, etc. who must collect the specified parts for recycling, etc. pursuant to the provisions of Article 21 (when there are no automobile manufacturers, etc. or when it is not possible to ascertain any automobile manufacturers, etc., the parties to whom they are to be delivered are designated recycling organizations; the same applies hereinafter in this Article; Article 16, paragraph (3); and Article 18, paragraph (6). In this case, when collection standards are specified by the automobile manufacturers, etc. pursuant to the provisions of Article 22, paragraph 1, and the Fluorocarbons must be delivered pursuant to the collection standards.

(2) When the fluorocarbons are delivered pursuant to the provisions of the preceding paragraph, the fluorocarbons recovery operator (including entities having been entrusted with transport of the fluorocarbons) must transport the fluorocarbons in accordance with the standards relating to the transport of fluorocarbons specified by order of the competent ministry.

(Obligations of Fluorocarbons Recovery Operators to Deliver End-of-Life Automobiles)

Article 14 When the fluorocarbons are recovered pursuant to the provisions of Article 12, the fluorocarbons recovery operator must, after recovering the fluorocarbons, promptly deliver the end-of-life automobiles to a dismantling operator.

(Collection Obligation of Dismantling Operators)

Article 15 When the collection of an End-of-Life Vehicle of Article 10 is requested by a collection operator or the collection of an End-of-Life Vehicle of

the preceding Article is requested by a fluorocarbons recovery operator, except when there are legitimate grounds specified by order of the competent ministry, the dismantling operator must collect the End-of-Life Vehicle.

(Obligations of Dismantling Operators to Implement Recycling)

- Article 16 (1) When an End-of-Life Vehicle which has been collected is dismantled, the dismantling operator must recycle the End-of-Life Vehicle by separating the useful parts from the End-of-Life Vehicle and ensure they can be used as parts therefor or otherwise as parts of another product and otherwise recycle the End-of-Life Vehicle.
- (2) Recycling indicated in the preceding paragraph must be carried out in accordance with the standards specified by the order of the competent ministry as standards for recycling of end-of-life automobiles by dismantling operators.
- (3) When an End-of-Life Vehicle which has been collected pursuant to the provisions of paragraph (1) is dismantled, the dismantling operator must recover the designated parts for recovery from the End-of-Life Vehicle and deliver the designated parts for recovery to the automobile manufacturers, etc. who must collect the specified parts for recycling, etc. pursuant to the provisions of Article 21. In this case, when collection standards are specified by the automobile manufacturers, etc. pursuant to the provisions of Article 22, paragraph (1), these parts must be delivered pursuant to the collection standards.
- (4) When an End-of-Life Vehicle which has been collected is dismantled pursuant to the provisions of paragraph (1), the dismantling operator must deliver the dismantled automobile pertaining to the End-of-Life Vehicle to another dismantling operator or shredding and sorting operator; provided, however, that this does not apply to cases of delivery to scrap dealers of whole dismantled automobiles (meaning entities which collect dismantled automobiles and use the entire dismantled automobiles as raw material for steel or another method specified by order of the competent ministry without generating residue).
- (5) When a dismantled automobile is delivered to scrap dealers of whole dismantled automobiles pursuant to the provisions of the proviso to the preceding paragraph, the dismantling operator must preserve items specified by order of the competent ministry as documentation certifying of that fact for the time period specified by order of the competent ministry from the delivery date.
- (6) When the End-of-Life Vehicle which has been collected is not dismantled by the dismantling operator itself, it must promptly deliver the End-of-Life Vehicle to another dismantling operator.
- (7) The provisions of paragraph (1), paragraph (2), and the preceding three



paragraphs apply mutatis mutandis to the dismantling of dismantled automobiles which have been collected by dismantling operators.

(Collection Obligation of Shredding and Sorting Operators)

Article 17 When the collection of a dismantled automobile of paragraph (4) of the preceding Article is requested by a dismantling operator, except when there are legitimate grounds specified by order of the competent ministry, the shredding and sorting operator must collect the dismantled automobile.

(Obligations of Shredding and Sorting Operators to Implement Recycling)

Article 18 (1) When pre-shredding and sorting processing is carried out on a dismantled automobile which has been collected, the shredding and sorting operator must carry out pre-shredding and sorting processing in accordance with the standards specified by order of the competent ministry as standards relating to pre-shredding and sorting processing to promote recycling of the dismantled automobile by the shredding and sorting operator.

(2) When pre-shredding and sorting processing set forth in the preceding paragraph is carried out, except for instances of shredding and sorting the dismantled automobile after by the shredding and sorting operator itself the preprocessing has been carried out, the shredding and sorting operator must deliver the dismantled automobile to another shredding and sorting operator (except for entities carrying out solely preprocessing prior to shredding and sorting in the course of trade); provided, however, that this does not apply when it is delivered to scrap dealers of whole dismantled automobiles.

(3) Unless there are legitimate grounds specified by order of the competent ministry, when the collection of a dismantled automobile of preceding paragraph is requested by another shredding and sorting operator (restricted to entities carrying out solely pre-shredding and sorting processing) in the course of trade the shredding and sorting operator (except for entities carrying out solely preprocessing prior to shredding and sorting in the course of trade) must collect the dismantled automobile.

(4) When the dismantled automobile which has been collected is shredded and sorted, the shredding and sorting operator must separate the useful metal from the dismantled automobile and render it in a condition whereby it can be used as a raw material and otherwise recycle the dismantled automobile.

(5) Recycling set forth in the preceding paragraph must be carried out in accordance with the standards specified by the order of the competent ministry as standards relating to recycling of dismantled automobiles by shredding and sorting operators.

(6) When shredding and sorting set forth in paragraph (4) is carried out, the shredding and sorting operators must deliver the automobile shredder residue

to an automobile manufacturer, etc. who must collect the specified parts for recycling, etc. pursuant to the provisions of Article 21. In this case, when the collection standards are specified by the relevant automobile manufacturers, etc. pursuant to the provisions of Article 22, paragraph (1), this must be delivered based on the collection standards.

- (7) When shredding and sorting and pre-shredding and sorting processing of dismantled automobiles which have been collected are not carried out by the shredding and sorting operator itself, the shredding and sorting operators must deliver the dismantled automobiles to another shredding and sorting operator.
- (8) The provisions of Article 16, paragraph (5) must apply *mutatis mutandis* when the shredding and sorting operators deliver dismantled automobiles to scrap dealers of whole dismantled automobiles pursuant to the provisions of the proviso to paragraph (2).

(Guidance and Advice)

Article 19 A prefectural governor (a mayor or ward chief when this is a municipality or special ward having a health center; the same applies hereinafter in this Chapter through Chapter 7) may provide, guidance and advice required for implementing the activities required for collection or delivery or recycling to a registered collection operator or fluorocarbons recovery operator or a permitted dismantling operator or shredding and sorting operator that collects or delivers an End-of-Life Vehicle or a dismantled automobile when the prefectural governor has found it necessary in order to secure implementation required for delivery of specified parts for recycling, etc. or for recycling of an End-of-Life Vehicle or dismantled automobile.

(Recommendations and Orders)

Article 20 (1) When there is a related business operator that does not engage in the activities required for collection, delivery or recycling prescribed in the preceding Article without legitimate grounds, the prefectural governor may recommend that the related business operator carry out the activities required for collecting or delivering or recycling.

- (2) When the prefectural governor has found that a fluorocarbons recovery operator is not in compliance with the standards relating to recovery of fluorocarbons specified by order of the competent ministry set forth in Article 12 or when the governor has found that the fluorocarbons recovery operator (including entities which have been entrusted with the transport of fluorocarbons; the same applies hereinafter in this paragraph) is not in compliance with the standards relating to transport of fluorocarbons specified by the order of the competent ministry set forth in Article 13, paragraph (2), the governor may recommend that the fluorocarbons recovery operator should

comply with the standards.

- (3) When a related business operator who has received the recommendation prescribed in the preceding two paragraphs does not take the measures pertaining to the recommendation without legitimate grounds, the governor may order the related business operator to take the measures pertaining to the recommendation.

## **Section 2 Recycling Implemented by Automobile Manufacturers**

(Collection Obligation of Automobile Manufacturers)

Article 21 When there are requests from fluorocarbons recovery operators, dismantling operators or shredding and sorting operators to collect specified parts for recycling, etc., pertaining to automobiles they have manufactured, etc. (a decedent; in the case where these entities are successors, surviving juridical persons following a merger or juridical persons established by a merger or juridical persons inheriting other manufacturing, etc. operations when they are spun off or other entities taking over manufacturing, etc. operations from another automobile manufacturer, etc. when there is a succession, merger or spin-off of another automobile manufacturer, etc. (restricted to succession of operations for manufacturing, etc.), including heirs, juridical persons which have been liquidated in a merger or juridical persons which have been spun off or other automobile manufacturers, etc. which have taken over manufacturing, etc. operations; the same applies hereinafter), except when there are legitimate grounds specified by order of the competent ministry, the automobile manufacturers, etc. must collect the specified parts for recycling, etc. at a location (hereinafter referred to as a "designated collection location") designated beforehand by the automobile manufacturers, etc. as a location for collecting the specified parts for recycling, etc.

(Collection Standard)

- Article 22 (1) The automobile manufacturers, etc. or the designated recycling organizations prescribed in Article 105 (hereinafter referred to simply as "designated recycling organizations" in this Section, Chapter 4, Chapter 5 and Chapter 6, Section 1) may specify standards for collection (hereinafter referred to as the "collection standard") for specified parts for recycling, etc. as they relate to the characteristics of the relevant specified parts for recycling, etc., when the specified parts for recycling, etc. are collected, the method of collection and other matters specified by order of the competent ministry.
- (2) When the collection standard prescribed in the preceding paragraph is specified pursuant to order of the competent ministry, the automobile manufacturers, etc. or designated recycling organizations must make the

collection standard public without delay. The same applies to changes to the collection standard.

(Fluorocarbons Recovery Fee and Designated Recovery Fee)

Article 23 (1) When fluorocarbons are delivered to automobile manufacturers, etc. (automobile manufacturers, etc. prescribed in the preceding paragraph; hereinafter the same applies in this Article), as specified by order of the competent ministry, the fluorocarbons recovery operators may request payment of an amount of money (hereinafter referred to as the "fluorocarbons recovery fee") specified by the automobile manufacturers, etc. from the automobile manufacturers for expenses required for recovery of the fluorocarbons and for transportation to deliver the fluorocarbons pursuant to the standards specified by order of the competent ministry in order to ensure implementation of recovery of the fluorocarbons in a proper and reliable manner.

(2) When the designated parts for recovery are delivered to the automobile manufacturers, etc. pursuant to the provisions of Article 16, paragraph (3), as specified by order of the competent ministry, the dismantling operator may request payment of an amount of money (hereinafter referred to as "designated recovery fee") specified by the automobile manufacturers, etc. from the automobile manufacturers, etc. specified by order of the competent ministry for expenses required for recovery of the designated parts for recovery and for transportation to deliver the designated parts for recovery pursuant to the standards specified by order of the competent ministry in order to ensure implementation of recovery of the designated part for recovery in a proper and reliable manner.

(3) When a request is made pursuant to the provisions of the preceding two paragraphs, the automobile manufacturers, etc. must remit a fluorocarbons recovery fee or a designated recovery fee in accordance with the request.

(4) The automobile manufacturers, etc. must publicize in advance the fluorocarbons recovery fee and the designated recovery fee specified by order of the competent ministry. The same applies to changes to the recovery fee.

(Recommendations for Collection Standard)

Article 24 (1) When the competent minister has found that the collection standard made public pursuant to the provision of Article 22, paragraph (2), or the fluorocarbons recovery fee or the designated recovery fee made public pursuant to the provisions of the preceding Article, paragraph (4) by automobile manufacturers, etc. do not conform to the standards specified by order of the competent ministry as prescribed in Article 22, paragraph (1) or paragraph (1) or (2) of the preceding Article, the competent minister may recommend that the automobile manufacturers, etc. make changes to the

published collection standard, the fluorocarbons recovery fee or the designated recovery fee by a set due date.

- (2) When there are automobile manufacturers, etc. who have not paid the fluorocarbons recovery fee or designated recovery fee as prescribed in paragraph (3) of the preceding Article or have not made a public announcement under the provisions of paragraph (4) of the same Article without legitimate grounds, the competent minister may recommend that the automobile manufacturers, etc. should pay or publish the fluorocarbons recovery fee or designated recovery fee by a set due date.
- (3) When automobile manufacturers, etc. who have received a recommendation prescribed in the preceding two paragraphs have not taken the measures pertaining to the recommendation without legitimate grounds, the competent minister may order the automobile manufacturers, etc. to take the measures pertaining to the recommendation.

(Obligations of Automobile Manufacturers to Implement Recycling)

- Article 25 (1) When specified parts for recycling have been collected, the automobile manufacturers, etc. or designated recycling organization must carry out recycling of the specified parts for recycling without delay.
- (2) Recycling set forth in the preceding paragraph (except for that carried out by designated recycling organizations) must be implemented in accordance with the standards relating to the amount of recycling to be implemented specified by order of the competent ministry for each of the specified parts for recycling.

(Obligations of Automobile Manufacturers to Destroy Fluorocarbons)

- Article 26 (1) When fluorocarbons have been collected, the automobile manufacturers, etc. or designated recycling organizations must entrust without delay the destruction of the fluorocarbons to fluorocarbons destruction operators (referred to simply as "fluorocarbons destruction operators" in the following paragraph) as prescribed in the Article 26, item (ii) (d) of the Fluorocarbons Recovery and Destruction Act; provided, however, that this does not apply when the specified automobile manufacturers, etc. prescribed in Article 106, item (i) entrust the destruction of the fluorocarbons to the designated recycle operators, these limitations do not apply.
- (2) When fluorocarbons have been delivered to fluorocarbons destruction operators, the automobile manufacturers, etc. and the designated recycling organizations (including those entities which transport the fluorocarbons entrusted by the automobile manufacturers, etc. and the designated recycling organizations) must transport the fluorocarbons in accordance with the standards relating to transport of fluorocarbons set forth in Article 13, paragraph (2) of order of the competent ministry.

- (3) When the competent minister has found that automobile manufacturers, etc. (including those entities to which transport of the fluorocarbons is entrusted by automobile manufacturers, etc.; hereinafter the same applies in this Article) are not in compliance with the standards relating to transport of the fluorocarbons as set forth in Article 13, paragraph (2) of order of the competent ministry, the minister may recommend that the automobile manufacturers, etc. should comply with the standards.
- (4) When automobile manufacturers, etc. who have received the recommendation prescribed in the preceding paragraph has not taken the measures pertaining to the recommendation without legitimate grounds, the competent minister may order the automobile manufacturers, etc. to take the measures pertaining to the recommendation.

(Keeping Books)

Article 27 (1) The automobile manufacturers, etc., pursuant to order of the competent ministry, must keep books (including those made on magnetic disk (including media which can reliably record specific information by using a method equivalent to it; the same applies hereinafter); the same applies hereinafter) and must include or record the information specified by order of the competent ministry relating to the recycling, etc. of specified parts for recycling, etc. and must retain the books.

- (2) The automobile manufacturers, etc. must make the status of the recycling, etc. of the specified parts for recycling, etc., public pursuant to order of the competent ministry.

(Authorization for Recycling)

Article 28 (1) When recycling of specified parts for recycling is carried out (including when recycling entrusted to another entity is carried out), the automobile manufacturers, etc. must receive authorization from the competent minister pursuant to the order of the competent ministry that the recycling of specified parts meets all of the following items; provided, however, that this does not apply when the specified automobile manufacturers, etc. prescribed in Article 106, item (i) entrust the recycling to designated recycling organization.

- (i) the entity implementing the activities required for recycling conforms to the standards specified by order of the competent ministry.
- (ii) the entity prescribed in the preceding item has facilities that meet the standards specified by order of the competent ministry.
- (2) An entity that intends to receive the authorization under the preceding paragraph must submit to the competent minister a written application providing the following information or other documents which are provided by

order of the competent ministry.

- (i) the name and address, and in the case of a juridical person; the name of its representative
  - (ii) the entity implementing the activities required for recycling in relation to the authorization
  - (iii) the facilities used for activities required for recycling relating to the relevant authorization
- (3) When the competent minister has found that recycling relating to the application for authorization set forth in paragraph (1) conforms to all of the items in the same paragraph, the competent minister must give the authorization set forth in the same paragraph.

#### (Authorization of Changes)

- Article 29 (1) When the automobile manufacturers, etc. which have received authorization set forth in paragraph (1) of the preceding Article intend to make changes to information listed in paragraph 2, item (ii) or item (iii) of the same Article (except for minor change specified by the order of the competent ministry), they must obtain authorization from the competent minister.
- (2) The provisions of paragraph (2) and paragraph (3) of the preceding Article apply mutatis mutandis to authorization for changes set forth in the preceding paragraph.

#### (Rescission of Authorization)

- Article 30 When the competent minister has found that recycling pertaining to the authorization under Article 28, paragraph (1) is no longer in compliance with any of the items in the same paragraph, the competent minister may revoke the authorization.

#### (Authorization Pertaining to Implementation of Entrusted Recycling of the Whole Dismantled Automobiles)

- Article 31 (1) When an automobile manufacturer has entrusted a recycling of the whole dismantled automobiles to a dismantling operator or shredding and sorting operator (of recycling, the user of the entire dismantled automobile is able to use the dismantled automobile after recycling by the dismantling operator pursuant to the standards relating to recycling prescribed by order of the competent ministry under Article 60, Section 2, as raw materials (The entity that may carry out the recycling of the dismantled automobile as a business is limited to persons conducting the business in Japan specified by order of the competent ministry; the same applies hereinafter), pursuant to the provisions of order of the competent ministry, it may obtain the approval of the competent minister that the entrustment meet all of the following items.

- (i) recycling of the whole dismantled automobiles contributes to a significant reduction in waste compared to recycling by shredding and sorting of dismantled automobiles as well as to the effective use of resources.
  - (ii) the dismantling operators or shredding and sorting operators to whom recycling is entrusted must possess the technical capabilities enabling them to carry out recycling of the whole dismantled automobiles in an appropriate and smooth manner.
- (2) A person that intends to receive authorization set forth in the preceding paragraph must submit to the competent minister a written application providing the following information or other documents provided by order of the competent ministry.
- (i) the name or address, and in the case of a juridical person, the name of its representative.
  - (ii) the name and address of the dismantling operators or shredding and sorting operators to whom recycling of the whole dismantled automobiles is entrusted, and in the case of a juridical person; the name of its representative
  - (iii) the name of scrap dealers of whole dismantled automobiles.
  - (iv) the method of recycling of the whole dismantled automobiles and the amount of automobile shredder residue controlled by this.
- (3) When the competent minister has found that recycling of the whole dismantled automobiles pertaining to the application for authorization in paragraph (1) conforms to all of the items in this paragraph, the competent minister must give the authorization set forth in the same paragraph.
- (4) When the competent minister has given the authorization set forth in paragraph (1), the competent minister must notify the deposit management corporation of this and the details thereof without delay.

(Authorization for Changes)

Article 32 (1) When the automobile manufacturers, etc. which have received authorization set forth in paragraph (1) of the preceding Article intend to make changes to the information listed in paragraph (2), item (ii) through item (iv) of the same Article (except for minor changes specified by the order of the competent ministry), the automobile manufacturers, etc. must obtain the authorization from the competent minister.

(2) The provisions of paragraph (2) through paragraph (4) in the preceding Article apply mutatis mutandis to the authorization for changes set forth in the preceding paragraph.

(Revocation of Authorization)

Article 33 (1) When the competent minister has found that recycling of the whole



dismantled automobiles pertaining to the authorization under Article 31, paragraph (1) is no longer in compliance with any of the items in the same paragraph, the competent minister may revoke the authorization.

(2) The provisions of Article 31, paragraph (4) apply mutatis mutandis to revocation of authorization set forth in the preceding paragraph.

(Announcement of Recycling Fee)

Article 34 (1) The automobile manufacturers, etc., pursuant to order of the competent ministry, must determine and announce fees as set forth in each of the relevant items for recycling, etc. listed in the following items related to automobiles which they have manufactured by the time they sell these automobiles.

(i) recycling of automobile shredder residue: fees relating to activities required for recycling carried out by the automobile manufacturers, etc. for automobile shredder residue pertaining to the automobiles

(ii) recycling of designated parts for recovery: fees relating to activities required for recycling carried out by the automobile manufacturers, etc. for designated parts for recovery pertaining to the automobiles (including payment of designated recovery fee for the designated parts for recovery)

(iii) destruction of fluorocarbons: fees relating to activities required for the destruction carried out by the automobile manufacturers, etc. (including the payment of fluorocarbons recovery fee pertaining to the fluorocarbons) for fluorocarbons packed in specified air conditioners installed in the automobiles

(2) The fees to be announced pursuant to the provisions of the preceding paragraph must not exceed the appropriate cost of efficiently implementing activities required for recycling, etc. of specified parts for recycling, etc. and must not be much less than the appropriate cost.

(Recommendation for Recycling Fee)

Article 35 (1) When the competent minister has found that the fee announced by the automobile manufacturers, etc. pursuant to the provisions of paragraph (1) of the preceding Article is exceeding the appropriate prime cost greatly when activities required for recycling, etc. of specified parts for recycling, etc. are carried out efficiently or has found that the fee is much less than the appropriate prime cost, the competent minister may recommend that the automobile manufacturers, etc. should make changes to the announced fee by a set due date.

(2) When automobile manufacturers, etc., who have received the recommendation prescribed in the preceding paragraph have not taken measures pertaining to the recommendation without legitimate grounds, the competent minister may

order the automobile manufacturers, etc. to take the measures pertaining to the recommendation.

(Indication Method)

Article 36 The automobile manufacturers, etc. must indicate the name of the person engaged in the manufacture of the automobiles and other information specified by order of the competent ministry pursuant to the order of the competent ministry before the automobile manufacturers, etc. sell the automobiles.

(Guidance and Advice)

Article 37 The competent minister may provide guidance and advice to the automobile manufacturers, etc. relating to the collection or the implementation of activities required for recycling, etc. when the competent minister has found it necessary in order to secure collection of specified parts for recycling, etc. pursuant to the provisions of Article 21 or to secure implementation of activities required for recycling, etc. of the specified parts for recycling, etc. pursuant to the provisions of Article 25, or Article 26, paragraph (1).

(Recommendation and Order)

Article 38 (1) When there are automobile manufacturers, etc. who are not engaged in collection or activities required for recycling, etc. prescribed in the preceding Article without legitimate grounds, the competent minister may recommend that the automobile manufacturers, etc. should carry out the collection or activities required for recycling, etc.

(2) When automobile manufacturers, etc. who have received the recommendation prescribed in the preceding paragraph does not take the measures pertaining to the recommendation without legitimate grounds, the competent minister may order the automobile manufacturers, etc. to take the measures pertaining to the recommendation.

(Placement of Designated Collection Locations)

Article 39 (1) In setting up a designated collection location, automobile manufacturers, etc. must set up an appropriate location taking into account the geographical conditions, transportation situation, distribution of places where the automobiles manufactured by them is mainly used to ensure the efficient implementation of activities required for recycling, etc. of specified parts for recycling, etc. and smooth delivery of the specified parts for recycling, etc. by the fluorocarbons recovery operators, dismantling operators or shredding and sorting operators to the automobile manufacturers, etc.

(2) When a designated collection location is designated, the automobile

manufacturers, etc. must announce without delay the location of the designated collection location pursuant to the order of the competent ministry. The same applies when a designated collection location is changed.

(Proposals Made by Fluorocarbons Recovery Operators)

Article 40 When the fluorocarbons recovery operators, dismantling operators and shredding and sorting operators find that significant obstacles may arise in the delivery of the specified parts for recycling, etc. which are to be collected by the automobile manufacturers, etc. pursuant to the provisions of Article 21 when the automobile manufacturers, etc. have not set up an appropriate designated collection location, the fluorocarbons recovery operators, dismantling operators and shredding and sorting operators may a proposal on this to the competent minister pursuant to order of the competent ministry.

(Recommendations Concerning Designated Collection Locations)

Article 41 The competent minister may recommend that the automobile manufacturers, etc. should set up a designated collection location required to secure the smooth delivery of the specified parts for recycling, etc. by the fluorocarbons recovery operators, dismantling operators or shredding and sorting operators who have made the proposal to the automobile manufacturers, etc. when the competent minister finds it particularly necessary to secure the appropriate delivery of the specified parts for recycling, etc. by avoiding the obstacles prescribed in the preceding Article when a proposal has been made pursuant to the provisions of the preceding Article,.

### **Chapter III Registrations and Licenses**

#### **Section 1 Registration of Collection Operators**

(Registration of Collection Operators)

- Article 42 (1) Persons that intend to engage in collection operations must be registered by the prefectural governor having jurisdiction over the place of business where the operations are to be carried out.
- (2) Unless the registration set forth in the preceding paragraph is renewed every five years, it expires when that period has elapsed.
- (3) When an application for renewal as set forth in the preceding paragraph has been filed and when no disposition has been imposed for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to as "valid period for registration" in this Article), the previous registration remains in force after the valid period of the registration has expired until the disposition has been imposed.
- (4) In the case referred to in the preceding paragraph and registration has been

renewed, the valid period of the registration is to be calculated from the day following the date of expiration of the valid period of the previous registration.

(Application for Registration)

Article 43 (1) A person that intends to be registered as set forth in paragraph (1) of the preceding Article (hereinafter referred to as "applicant for collection operator registration") must submit a request for registration providing the following information to the prefectural governor.

- (i) the name or address, and in the case of a juridical person; the name of its representative.
- (ii) the name and address of the place of business
- (iii) when the applicant is a juridical person, the name of its officers (meaning members engaged in business, directors, executive officers or persons equivalent to these; the same applies hereinafter in this Section and the next Section)
- (iv) When the applicant is a minor, the name and address of its statutory agent
- (v) the system to confirm whether fluorocarbons are contained as a refrigerant in the air conditioners installed in the end-of-life automobiles.
- (vi) other information specified by order of the competent ministry

(2) A document in which the applicant promises that none of the items in Article 45, paragraph (1) apply to the applicant for collection operator registration and other documents specified by order of the competent ministry must be attached to the request for registration set forth in the preceding paragraph.

(Implementation of Registration)

Article 44 (1) When the request for registration under the provisions of the preceding Article has been submitted, except when the prefectural governor rejects the registration pursuant to the provisions of paragraph (1) of the following Article, the governor must register the following information in the collection operators registry.

- (i) particulars prescribed in paragraph (1), items (i) through (iv) of the preceding Article
  - (ii) registration date and registration number
- (2) When the prefectural governor completes the registration pursuant to the provisions of the preceding paragraph, the prefectural governor must notify the applicant for collection operator registration of this without delay.

(Rejection of Registration)

Article 45 (1) When the applicant for collection operator registration falls under any of the following items and when the prefectural governor finds that the particulars prescribed in Article 43, paragraph (1), item (v) indicated in the

request for registration do not conform to the standards set forth in the order of the competent ministry since it is possible that these will interfere with securing the implementation of the appropriate or smooth recovery of the fluorocarbons from the specified air conditioners which are installed in the end-of-life automobiles or when there has been false statement of important information in the request for registration or in the attached documents or when important information are missing from these, the prefectural governor must reject the registration.

- (i) the applicant that is an adult ward or person under curatorship or a bankrupt whose rights have not been restored
  - (ii) a person who was sentenced to a fine or severe punishment for the violation of any provisions of this Act, the Fluorocarbons Recovery and Destruction Act or the Waste Management and Public Cleansing Act (Act No. 137 of 1970; hereinafter referred to as the "Waste Management Act") or a disposition imposed under these Acts, where a period of two years has not yet elapsed since the person served out the sentence or ceased to be subject to the sentence
  - (iii) a person whose registration has been revoked pursuant to the provisions of Article 51, paragraph (1) and less than two years have elapsed since the date of the disposition
  - (iv) a person who is a collection operator and a juridical person but was an officer of the collection operator 30 days or less prior to date of disposition when the registration was withdrawn pursuant to the provisions of Article 51, paragraph (1) and less than two years have elapsed since the date of the disposition.
  - (v) a person who has been ordered to discontinue business operations pursuant to the provisions of Article 51, paragraph (1) and have not elapsed the period in which business operations were discontinued.
  - (vi) A minor who does not have the same legal capacity as an adult in collection operations and whose legal representative falls under any of the preceding items.
  - (vii) a juridical person having officers to whom items (i) through (v) apply
- (2) When the prefectural governor has rejected the registration pursuant to the provisions of the preceding paragraph, the prefectural governor must notify the applicant for collection operator registration of the rejection without delay indicating the reason for this.

#### (Notification of Changes)

Article 46 (1) When changes have been made to the particulars set forth in items of Article 43, paragraph (1), the collection operator must notify the prefectural governor of the changes within 30 days from the change; provided, however,

that this does not apply to minor changes specified by order of the competent ministry.

- (2) When the prefectural governor has received the notification pursuant to the provisions of the preceding paragraph, except for instances in which the information relating to the notification either fall under paragraph (1), items (vi) or (vii) of the preceding Article or when the information are no longer in compliance with the standards specified by order of the competent ministry in the same paragraph, the prefectural governor must register the information listed in Article 44, paragraph (1), item (i) among the information indicated in the notification in the collection operators registry.
- (3) The provisions in Article 43, paragraph (2) apply mutatis mutandis to notifications made pursuant to the provisions of paragraph (1) and the provisions of Article 44, paragraph (2) apply mutatis mutandis to registration pursuant to the provisions of the preceding paragraph.

(Inspection of Collection Operator Register)

Article 47 The prefectural governor must make the collection operators registry available for public inspection.

(Notification of Discontinuance of Business)

Article 48 (1) When the collection operator falls under any of the following items, the person specified in each of the following items must notify the prefectural governor of this within 30 days from that date.

- (i) in the case of death; the heir
  - (ii) when the juridical person disappears due to a merger; the person who was an officer representing the juridical person
  - (iii) when the juridical person has been dissolved by an order to commence bankruptcy proceedings; the bankruptcy trustee
  - (iv) when the juridical person has been dissolved for a reason other than a merger or an order to commence bankruptcy proceedings; the liquidator
  - (v) when the collection operations relating to the registration are abolished; the individual who was the collection operator or the officer representing the juridical person which was the collection operator
- (2) When the collection operator falls under any of the items of the preceding paragraph, the registration of the collection operator ceases to be effective.

(Cancellation of Registration)

Article 49 When the registration ceases to be effective pursuant to the provisions of Article 42, paragraph (2) or paragraph (2) of the preceding Article, or when the registration is revoked pursuant to the provisions of Article 51, paragraph (1), the prefectural governor must delete the registration of the collection

operator.

(Posting of Signs)

Article 50 Collection operators must post signs indicating the name, registration number and other information specified by the order of the competent ministry for each place of business where it can be seen by the public as specified by the order of the competent ministry.

(Revocation of Registration)

Article 51 (1) When collection operator falls under any of the following items, the prefectural governor may revoke the registration or order the collection operator to discontinue all or part of its business operations within six months thereof.

(i) when collection operator has obtained the registration as set forth in Article 42, paragraph (1) (including renewal of registration referred to in paragraph (2) of the same Article) by wrongful means

(ii) when the system which confirms whether fluorocarbons are contained as a refrigerant in air conditioners installed in end-of-life automobiles is no longer in compliance with the standards specified by the order of the competent ministry set forth in Article 45, paragraph (1).

(iii) when collection operator falls under any of the items (i), (ii), (iv), (vi) or (vii) of Article 45, paragraph (1).

(iv) when collection operator violates this Act or an order or disposition under this Act.

(2) The provisions of Article 45, paragraph (2) apply mutatis mutandis when a disposition is imposed pursuant to the provisions of the preceding paragraph.

(Provisions Governed by Orders of the Competent Ministry)

Article 52 Beyond what is prescribed in this Section, particulars required for registration of collection operators are determined by the orders of the competent ministry.

## **Section 2 Registration of Fluorocarbons Recovery Operators**

(Registration of Fluorocarbons Recovery Operators)

Article 53 (1) Persons who intend to engage in fluorocarbons recovery operations must be registered by the prefectural governor having jurisdiction over the place of the business where the operations are to be carried out.

(2) Unless the registration set forth in the preceding paragraph is renewed every five years, it ceases to be effective when that period has elapsed.

(3) When an application for renewal set forth in the preceding paragraph has

been filed and when no disposition has been imposed for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to as "valid period for registration" in this Article), the previous registration remains in force after the valid period of the registration has expired until the disposition has been imposed.

- (4) In the case referred to in the preceding paragraph, when the registration has been renewed, the valid period of registration is to be calculated from the day following the expiration date of the valid period of the previous registration.

#### (Application for Registration)

Article 54 (1) A person who intends to be registered as set forth in paragraph (1) of the preceding Article (hereinafter referred to as "applicant for fluorocarbons recovery operator registration") must submit an application for registration providing the following information to the prefectural governor.

- (i) the name or address, and in the case of a juridical person; the name of its representative
- (ii) the name and address of the place of business
- (iii) when the applicant is a juridical person, the names of its officers
- (iv) when the applicant is a minor, the name and address of its statutory agent
- (v) type of fluorocarbons to be recovered
- (vi) type and capability of equipment to be used in recovery of fluorocarbons from specified air conditioners installed in end-of-life automobiles
- (vii) other particulars specified by order of the competent ministry

- (2) A document in which the person promises that none of the items in Article 56, paragraph (1) apply to the applicant for fluorocarbons recovery operator registration and other documents specified by order of the competent ministry must be attached to the application for registration set forth in the preceding paragraph.

#### (Implementation of Registration)

Article 55 (1) When the application pursuant to the provisions of the preceding Article has been submitted, except when the prefectural governor has rejected the registration pursuant to the provisions of paragraph (1) of the following Article, the prefectural governor must register the following information in the fluorocarbons recovery operator registry.

- (i) listed in paragraph (1), items (i) through (v) of the preceding Article
- (ii) registration date and registration number

- (2) When the prefectural governor completes the registration under the provisions of the preceding paragraph, the prefectural governor must notify the applicant for fluorocarbons recovery operator registration of this without delay.



(Rejection of Registration)

Article 56 (1) When the applicant for fluorocarbons recovery operator registration falls under any of the following items and when the prefectural governor finds that the information concerning Article 54, paragraph (1), item (vi) provided in the application do not conform to the standards specified by order of the competent ministry as they do not sufficiently implement appropriate and reliable recovery of fluorocarbons from specified air conditioners installed in the end-of-life automobiles or when there have been false statement for important information in the application or in the documentation attached or when important information have not been provided therein, the prefectural governor must reject the registration.

- (i) when the applicant is an adult ward or a person under curatorship or a bankrupt whose rights has not been restored
- (ii) a person who was sentenced to a fine or severe punishment for the violation of any provisions of this Act, the fluorocarbons recovery and destruction Act or the Waste Management Act or a disposition imposed under these Acts, and less than two years have elapsed since the person served out the sentence or ceased to be subject to the sentence
- (iii) a person whose registration has been revoked pursuant to the provisions of Article 58, paragraph (1) and less than two years have elapsed since the date of the disposition
- (iv) a juridical person that is a aluorocarbons recovery operator whose registration was revoked pursuant to the provisions of Article 58, paragraph (1) or a person who is an officer of the fluorocarbons recovery operator for whom disposition was imposed within 30 days prior to that date and for whom less than two years have elapsed since the date of the disposition
- (v) a person who has been ordered to discontinue the business operations pursuant to the provisions of Article 58, paragraph (1) and the period in which business operations were discontinued has not elapsed.
- (vi) a minor who does not have the same legal capacity as an adult in fluorocarbons recovery operations and whose statutory agent falls under any of the preceding items.
- (vii) a juridical person having officers who fall under any of the items (i) through (v)

(2) When the prefectural governor has rejected registration pursuant to the provisions of the preceding paragraph, the prefectural governor must notify the applicant for fluorocarbons recovery operation registration of the rejection without delay giving the reason for this.

(Notification of Changes)

Article 57 (1) When changes have been made to the information listed in the

items of Article 54, paragraph (1), the fluorocarbons recovery operators must notify the prefectural governor of the changes; provided, however, that this does not apply to minor changes specified by order of the competent ministrtr.

- (2) When the prefectural governor has received notification pursuant to the provisions of the preceding paragraph, except for instances in which the information relating to the notification falls under paragraph (1), item (vi) or (vii) of the preceding Article or the information no longer in complies with the standards specified by order of the competent ministry in the same paragraph, the prefectural governor must register the information listed in Article 55, paragraph (1), item (i) among the information provided in the notification, in the fluorocarbons recovery operator registry.
- (3) The provisions of Article 54, paragraph (2) apply mutatis mutandis to notification under the provisions of paragraph (1) and the provisions of Article 55, paragraph (2) apply mutatis mutandis to the registration under the provisions of the preceding paragraph.

#### (Revocation of Registration)

Article 58 (1) When a fluorocarbons recovery operator falls under any of the following items, the prefectural governor may revoke the registration or issue an order to discontinue all or part of its business operations within six months thereof.

- (i) when the registration set forth in Article 53, paragraph (1) (including renewal of registration set forth in paragraph (2) of the same Article) has been obtained by wrongful means
- (ii) when the facilities used for recovery of the fluorocarbons from the specified air conditioners installed in the end-of-life automobiles no longer complies with the standards specified by order of the competent ministry set forth in the Article 56, paragraph (1)
- (iii) when it falls under any of the items (i), (ii), (iv), (vi) or (vii) of Article 56, paragraph (1)
- (iv) when it violates this Act or orders or dispositions under this Act

- (2) The provisions of Article 56, paragraph (2) apply mutatis mutandis when a disposition is imposed pursuant to the provisions of the preceding paragraph.

#### (Mutatis Mutandis Application)

Article 59 The provisions of Article 47 through Article 50 and Article 52 apply mutatis mutandis to fluorocarbons recovery operators. In this case, the term "Article 42, paragraph (2) or paragraph (2) of the preceding Article" in Article 49 is deemed to be replaced with "Article 48, paragraph (2), as applied mutatis mutandis pursuant to the provisions of Article 53, paragraph (2) or Article 59" and the term "Article 51, paragraph (1)" is deemed to be replaced with "Article

58, paragraph (1)".

### **Section 3 License for Dismantling Operations**

(License for Dismantling Operations)

Article 60 (1) A person who intends to engage in dismantling operations must obtain a license from the prefectural governor having jurisdiction over the place of business where the operations are to be carried out.

(2) Unless the license set forth in the preceding paragraph is renewed for each period of not less than five years specified by Cabinet Order, it ceases to be effective when that period has elapsed.

(3) When an application for renewal set forth in the preceding paragraph has been filed and when no disposition has been imposed for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to as "valid period for license" in this Article), the previous license remains in force after the expiration date of the valid period of the license until the disposition is imposed.

(4) In the case referred to in the preceding paragraph, when the license is renewed, the valid period for the license is to be calculated from the day following the expiration date of the valid period for the previous license.

(Application for License)

Article 61 (1) A person who intends to obtain the license set forth in paragraph (1) of the preceding Article (hereinafter referred to as an "applicant for dismantling operation license ") must submit a application for license to the prefectural governor providing the following information.

(i) the name or address, and in the case of a juridical person; the name of its representative

(ii) the name and address of the place of the business

(iii) when the applicant is a juridical person, the name and address of its officers (meaning members, directors, executive officers or persons equivalent to these that carry out the business operations, including persons recognized as having the same or higher authority than the members, directors, executive officers or persons that carry out the business operations whether it be a person having a title of an adviser, consultant or any other person; hereinafter the same applies in this Chapter) and when the juridical person has an employee specified by Cabinet Order; the name and address of the employee

(iv) when the applicant is a minor, the name and address of its statutory agent

(v) overview of facilities used for business operations

(vi) other information specified by order of the competent ministry

- (2) A document in which the person promises that none of the applicant for dismantling operation license does not fall under any items of paragraph (1), item (ii), (a) through (j) of the following Article and other documents specified by order of the competent ministry must be attached to the application for license set forth in the preceding paragraph.

(Criteria for Granting License)

Article 62 (1) The prefectural governor must not give the license set forth in the same paragraph, unless the prefectural governor finds that the application for the license set forth in Article 60, paragraph (1) meets the requirements of all of the following items.

- (i) the facilities used for the business operations and the competence of the applicant for dismantling operation license conform to the standards specified by order of the competent ministry, ensuring the proper and continued operations.
- (ii) the applicant for dismantling operation license does not fall under any of the following cases.
  - (a) when the applicant is an adult ward or a person under curatorship or a bankrupt whose rights has not been restored
  - (b) a person who was sentenced to an imprisonment without work or severe punishment and less than five years have elapsed since the person served out the sentence or ceased to be subject to the sentence
  - (c) a person who has violated the provisions of this Act, the Waste Management Act, the Purification Tank Act (Act No. 43 of 1983) and other laws aimed at protecting the environment and specified by Cabinet Order or dispositions imposed under these Acts or the provisions of the Act on the Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991, except for Article 31, paragraph (7)), or a person who has committed crimes referred to in Article 204, Article 206, Article 208, Article 208-3, Article 222 or Article 247 of the Penal Code (Act No. 45 of 1912) or crimes under the Act on Punishment of Physical Violence and Others (Act No.60 of 1926) and has been sentenced to a fine and less than five years have elapsed since the person served out the sentence or ceased to be subject to the sentence
  - (d) a person whose license has been revoked pursuant to the provisions of Article 66 (including as applied mutatis mutandis pursuant to the provisions of Article 72), Article 7-4 or Article 14-3- (ii) of the Waste management Act (including as applied mutatis mutandis pursuant to the provisions of Article 14 - 6 of the Waste Management Act) or the provisions of Article 41, paragraph (2) of the Purification Tank Act for whom less than five years have elapsed from the date of revocation of license (including

cases when the person is a juridical person whose license has been revoked, when the person was an officer of a corporation having received notification prescribed in Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) pertaining to a disposition of revocation within 60 days before that date)

- (e) a person having a probable cause to engage in illegal or dishonest conduct in carrying out the operations
  - (f) a person who quits a member of an organized crime group (hereinafter referred to in as a "member of crime group") under the provisios of Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crimine Group Members (hereinafter referred to as "members of an organized crime group" in this item) or a person for whom less than five years have elapsed since the person quits a member of crime group (hereinafter referred to as "members of crime group, etc.").
  - (g) minors who do not have the same legal capacity as an adult in carrying out business operations and whose statutory agent falls under any of the preceding (a) through (f)
  - (h) the juridical persons having officers or employees specified by Cabinet Order who fall under any of (a) through (f)
  - (i) a juridical person whose business activities are controlled by members of an organized crime group, etc.
  - (j) the individuals having employees specified by Cabinet Order who fall under any of (a) through (f)
- (2) When an application for license set forth in Article 60, paragraph (1) has been filed and a disposition not to grant the license is imposed, the prefectural governor must notify the applicant for dismantling operation license of this without delay by giving the reason.

(Notification of Changes)

- Article 63 (1) When a change is made to any of the information listed in Article 61, paragraph (1), the dismantling operator must notify the prefectural governor of the changres within 30 days from the relevant day.
- (2) The provisions of Article 61, paragraph (2) apply mutatis mutandis to the notification pursuant to the provisions of the preceding paragraph.

(Notification of Discontinued Business)

- Article 64 When the dismantling operator falls under any of the following items, the person specified in each of the following items must notify the prefectural governor of this within 30 days from the relevant day.
- (i) in case of death; the heir
  - (ii) when a juridical person disappears due to a merger; the person who was the

- officer representing the juridical person
- (iii) when the juridical person has been dissolved by an order to commence bankruptcy proceedings; the bankruptcy trustee
- (iv) when the juridical person has been dissolved for reasons other than a merger or an order to commence bankruptcy proceedings; the liquidator
- (v) when the dismantling operations relating to the license are discontinued; the individual who was the dismantling operator or the officer representing the juridical person which was the dismantling operator

(Posting of Signs)

Article 65 The dismantling operator must post a sign indicating the name or other information specified by order of the competent ministry at each place of business which can be seen by the public specified by order of the competent ministry.

(Recocation of License)

Article 66 When a dismantling operator falls under any of the following items, the prefectural governor may revoke the license or order the operator to discontinue all or part of the business operations after setting a period within one year.

- (i) when a dismantling operator engages in conduct which violates this Act or violates an order or the disposition under this Act (hereinafter referred to as "violative conduct" in this item) or when the operator has demanded, requested, or solicited another person to engage in violative conduct or when a dismantling operator assists another person to engage in violative conduct.
- (ii) when a dismantling operator has obtained the license set forth in Article 60, paragraph (1) (including renewal of the license set forth in paragraph (2) of the same Article) by wrongful means.
- (iii) when the facilities used for the business operations of the person or the competence of the person no longer complies with the standards specified by the order of the competent ministry set forth in Article 62, paragraph (1), item (i)
- (iv) when a dismantling operator falls under any of the items in Article 62, paragraph (1), item (ii), (a) through (j).

#### **Section 4 License for Shredding and Sorting Operations**

(License for Shredding and Sorting Operations)

Article 67 (1) A person who intends to engage in shredding and sorting operations must obtain a license issued by the prefectural governor having jurisdiction over the place of business where the relevant operations are to be

carried out.

- (2) Unless the license set forth in the preceding paragraph is renewed for each period not less than five years specified by Cabinet Order, it ceases to be effective when the relevant period has elapsed.
- (3) When an application for renewal set forth in the preceding paragraph has been filed and when no disposition has been imposed for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to as "valid period for the license" in this Article), the previous license remains in force after the expiration date of the valid period for the license until the disposition is imposed.
- (4) In the case referred to in the preceding paragraph, when the license has been renewed, the valid period for the license is to be calculated from the day following the expiration date of the valid period of the previous license.

#### (Application for License)

Article 68 (1) A person who intends to obtain a license set forth in paragraph (1) of the preceding Article (hereinafter referred to as the "applicant for shredding and sorting operator license") must submit an application for license to the prefectural governor providing the following information.

- (i) the name or address, and in the case of a juridical person; the name of its representative
  - (ii) the scope of business operations
  - (iii) the name and address of the place of the business
  - (iv) when the applicant is a juridical person; the name and address of its officers and when the juridical person has an employee specified by Cabinet Order, the name and address of the employee
  - (v) when the applicant is a minor; the name and address of its statutory agent
  - (vi) overview of the facilities used for use the operations
  - (vii) other information specified by order of the competent ministry
- (2) A document in which the person promises that the applicant for shredding and sorting operation license complies with paragraph (1), item (ii) of the following Article and other documents specified by order of the competent ministry must be attached to the application for license set forth in the preceding paragraph.

#### (Criteria for Granting License)

Article 69 (1) The prefectural governor must not give the license set forth in the same paragraph, unless the prefectural governor finds that the application for the license set forth in Article 67, paragraph (1) conforms to all of the following items.

- (i) the facilities used for the business operations and the competence of the

applicant for shredding and sorting operation license must comply with the standards specified by order of the competent ministry, ensuring the proper and continued operations.

- (ii) the applicant for shredding and sorting operation license does not fall under any of (a) through (j) of Article 62, paragraph (1), item (ii),.
- (2) when an application for license set forth in in Article 67, paragraph (1) is filed and a disposition not to grant the license is imposed, the prefectural governor must notify the applicant for shredding and sorting operation license of this without delay giving the reason.

(Permission for Changes)

- Article 70 (1) When shredding and sorting operators intend to make changes to the scope of the business operations, the shredding and sorting operators must obtain permission from the prefectural governor as specified by order of the competent ministry.
- (2) The provisions of the preceding Article apply mutatis mutandis to the permission under the provisions in the preceding paragraph.

(Notification of Changes)

- Article 71 (1) When changes are made to information specified in Article 68, paragraph (1), items (i) or items (iii) through (vii), the shredding and sorting operators must notify the prefectural governor of the changes within 30 days from the relevant date.
- (2) The provisions of Article 68, paragraph (2) apply mutatis mutandis to the notification under the provisions of the preceding paragraph.

(Mutatis Mutandis Application)

- Article 72 The provisions of Article 64 through Article 66 apply mutatis mutandis to shredding and sorting operators. In this case, the term "the license referred to in Article 60, paragraph (1) (including renewal of the license referred to in paragraph (2) of the same Article)" in Article 66, item (ii) is deemed to be replaced with "the license referred to in Article 67, paragraph (1) (including renewal of the license referred to in paragraph (2) of the same Article)" and the term "Article 62, paragraph (1), item (i) " in item (iii) of the same Article is deemed to be replaced with "Article 69, paragraph (1), item (i)".

## **Chapter IV Recycling Deposit**

(Deposit Obligation Including Recycling Deposit)

- Article 73 (1) The owner of an automobile (except for those prescribed in paragraph (3); hereinafter the same applies to this paragraph and the



following paragraph) must deposit the amount of money equivalent to the recycling fee for the automobile as a recycling deposit with the deposit management corporation (the fee indicated in the middle column of the following table that is made public pursuant to the provisions of Article 34, paragraph (1) by the automobile manufacturers, etc., which has to collect the specified parts for recycling, etc. relating to the automobiles according to the classification of the automobiles indicated in the upper column of the same table (when there is no relevant automobile manufacturers, etc. or when the automobile manufacturer, etc. cannot be ascertained (referred to as "when the manufacturer does not exist" in the following items; the same applies hereinafter); the fee indicated in the lower column that is made public by the designated recycling organization as prescribed in Article 108, paragraph (1)); the same applies to paragraph (3)) by the time the automobile is first registered in the automobile registration file (meaning a registration in automobile registration file under the provisions of Article 4 of the Road Transport Vehicle Act; the same applies hereinafter), (for a light automobile prescribed in Article 3 of the same Act (except for automobiles not subject to the inspections prescribed in Article 58, paragraph (1) of the same Act) when the initial vehicle inspection certificate for the automobile (meaning an issuance of vehicle inspection certificates under the provisions of Article 60, paragraph (1) or Article 71, paragraph (4) of the same Act; the same applies hereinafter) has been issued, for light automobiles which are not subject to the inspections prescribed in Article 58, paragraph (1) of the same Act, when the vehicle number of the automobile is designated first (meaning the designation of vehicle number as prescribed in Article 97-3, paragraph (1) of the same Act; the same applies hereinafter).

(i) automobiles with no Designated Parts for Recovery or Specified Air Conditioners installed	Fee prescribed in Article 34, Paragraph 1, Item 1	Fee prescribed in Article 108, Paragraph 1, Item 1
(ii) automobiles with Designated Parts for Recovery installed (except for automobiles indicated in the upper column of Item 4	Fee prescribed in Article 34, Paragraph 1, Item 1 and Item 2	Fee prescribed in Article 108, Paragraph 1, Item 1 and Item 2
(iii) automobiles with Specified Air Conditioners Installed (except for automobiles indicated in the upper column of the following item)	Fee prescribed in Article 34, Paragraph 1, Item 1 and Item 3	Fee prescribed in Article 108, Paragraph 1, Item 1 and Item 3

(iv) automobiles with Designated Parts for Recovery and Specified Air Conditioners installed	Fee prescribed in Article 34, Paragraph 1, all Items	Fee prescribed in Article 108, Paragraph 1, all Items
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- (2) After the owner of an automobile has had the automobile registered in the automobile registration file as prescribed in the preceding paragraph or has received the first vehicle inspection certificate or had the first vehicle number registered and had the parts indicated in the following items installed in the automobile, the owner of the automobile must make an additional deposit with the deposit management corporation as a recycling deposit, etc. in an amount equivalent to the fee indicated in the respective items by the time the automobile is delivered to the collection operator as an End-of-Life Vehicle.
- (i) designated parts for recovery: fee prescribed in Article 34, paragraph (1), item (ii) relating to the automobile (when the manufacturers do not exist: the fee prescribed in Article 108, paragraph (1), item (ii))
  - (ii) specified air conditioners: fee prescribed in Article 34, paragraph (1), item (iii) relating to the automobile (when the manufacturers do not exist: the fee prescribed in Article 108, paragraph (1), item (iii))
- (3) The owner of an automobile (limited to automobiles not requiring registration in the automobile registration file, issuance of vehicle inspection certificates or designated vehicle numbers since it is not used for transportation prescribed in Article 2, paragraph (5) of the Road Transport Vehicle Act; hereinafter the same applies in this paragraph) must deposit an amount of money equivalent to the recycling fee, etc. pertaining to the automobile as a recycling deposit, etc. with the deposit management corporation by the time the automobile is delivered to the collection operator as an End-of-Life Vehicle.
- (4) The owner of an automobile who deposits recycling deposit, etc. pursuant to the provisions of paragraph (1) or the preceding paragraph must deposit the amount equivalent to the information management fees pertaining to the automobile (the Information Management Center prescribed in Article 114 (hereinafter referred to simply as the "Information Management Center" in this Chapter, the following Chapter and in Chapter 6, Section 1) refers to the fee set forth upon receiving authorization from the competent minister specified by Cabinet Order relating to the information management services specified in the same Article provided for the end-of-life automobiles when the automobile becomes an End-of-Life Vehicle; the same applies hereinafter) with the Deposit Management Center as the information management deposit.
- (5) When the authorization set forth in the preceding paragraph has been received, the Information Management Center must make the information management fees public as specified by order of the competent ministry.

- (6) The Deposit Management Corporation, as specified by Cabinet Order, may request a person who deposits recycling deposit, etc. pursuant to the provisions of paragraph (1) through paragraph (4) to deposit a fee specified after obtaining the authorization of the competent minister for the management of recycling deposit, etc. and the information management deposit (hereinafter referred to as "recycling deposit, etc.").
- (7) When the authorization set forth in the preceding paragraph has been received, the Deposit Management Corporation must make the fee public as specified by order of the competent ministry.

(Presenting Deposit Certificate)

- Article 74 (1) When a person who intends to have an automobile registered in the automobile registration file or to obtain an automobile inspection certificate (limited to the first registration of automobiles in the automobile registration file or to issuance of the first vehicle inspection certificate as prescribed in paragraph (1)), the person must present a document certifying that the owner of the automobile has deposited the recycling deposit, etc. relating to the automobile with the Deposit Management Corporation to the Minister of Land, Infrastructure, Transport and Tourism, etc. (the Minister of Land, Infrastructure, Transport and Tourism or the Head of the Regional Transport Agency mandated with the authority of the Minister, the Head of the Transport Surveillance Section or the Head of the Transport Branch Office or the Light Vehicle Inspection Association (indicating the Light Vehicle Inspection Association set up by the provisions of Chapter 5-2 of the Road Transport Vehicle Act, the same applies hereinafter), the same applies hereinafter) (hereinafter referred to as "deposit certificate"); provided, however, that when the person notifies a Registration Information Processing Organization (referred to in the following paragraph simply as the "Registration Information Processing Organization") as prescribed in Article 7, paragraph (4) of the same Act, the notification specified by Cabinet Order as corresponding to the deposit certificate entrusted to the Deposit Management Corporation, the deposit certificate is deemed to be submitted to the Minister of Land, Infrastructure, Transport and Tourism, etc.
- (2) In the case of the Proviso to the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must make inquiries about the necessary information to the Registration Information Processing Organizations as specified by the Order of Ministry of Land, Infrastructure, Transport and Tourism.
- (3) When no deposit certificate is presented, the Minister of Land, Infrastructure, Transport and Tourism, etc. must not register the automobile in the automobile registration file or issue the vehicle inspection certificate as

set forth in paragraph (1).

(Interest)

Article 75 The Deposit Management Corporation must pay interest on the recycling deposit, etc. specified by order of the competent ministry.

(Payment for Recycling Deposit)

Article 76 (1) When specified parts for recycling, etc. are collected from fluorocarbons recovery operators, dismantling operators or shredding and sorting operators pursuant to the provisions of Article 21, the automobile manufacturers, etc. may request that the Deposit Management Corporation makes payment for recycling deposit, etc. deposited pursuant to the provisions of Article 73, paragraphs (1) through (3) relating to the specified parts for recycling, etc. as specified by order of the competent ministry. In this case, the automobile manufacturers, etc. requesting the payment must submit to the Deposit Management Corporation documents, etc. prescribed in the same paragraph indicating that the Information Management Corporation has in fact received the request pursuant to the provisions of Article 85, paragraph (1) and that matters attesting to the fact that the specified parts for recycling, etc. have been collected reliably has been noted or recorded.

(2) When documents, etc. are to be submitted to the Deposit Management Corporation indicated in the preceding paragraph, the Information Management Center may be asked to send information to be recorded or noted in the documents, etc. from a computer (including input and output devices; the same applies hereinafter) used by the Information Management Center to a computer used by the Deposit Management Corporation via telecommunications lines.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis when the designated recycling organization collects specified parts for recycling, etc. as they relate to the operations prescribed in Article 106, item (ii).

(4) When the dismantling operators or the shredding and sorting operators to whom the implementation of recycling of the dismantled automobiles have been entrusted by the automobile manufacturers, etc. pursuant to the provisions of Article 31, paragraph (1) (hereinafter referred to as "entrusted dismantling operators, etc." in this Article) have delivered the dismantled automobiles to scrap dealers of whole dismantled automobiles., the automobile manufacturers, etc. who have obtained the authorization indicated in Article 31, paragraph (1) may request that the Deposit Management Corporation makes payment for a sum of recycling deposit etc., deposited pursuant to the provisions of Article 73, paragraphs (1) through (3), equivalent to the fee set forth in Article 34, paragraph (1), item (i) relating to the dismantled

automobiles. In this case, the automobile manufacturers, etc. making the request must submit to the Deposit Management Corporation written documents, etc. indicating that the Information Management Center has received the request pursuant to the provisions of Article 85, paragraph (3) and the information recorded or noted attesting to the fact that the entrusted dismantling operators have reliably delivered the dismantled automobiles to scrap dealers of whole dismantled automobiles.

- (5) The provisions of paragraph (2) apply mutatis mutandis to submission of written documents, etc. under the provisions of the preceding paragraph.
- (6) When reports pursuant to the provisions of Article 81, paragraph (1) are made, the Information Management Center may request that the Deposit Management Corporation pay the information management deposit deposited pursuant to the provisions of Article 73, paragraph (4) relating to the reported end-of-life automobiles specified by order of the competent ministry.

(Succession)

Article 77 (1) In the event of succession and other types of general succession regarding the ownership of an automobile, the recycling deposit, etc. which has been deposited by the owner is considered as deposited by the heir of the owner or other general successor.

- (2) When ownership of an automobile is transferred, the recycling deposit, etc. deposited by the person having the ownership is considered as having been deposited by the transferee.

(Recovery of Recycling Deposit)

Article 78 (1) When an automobile is exported and in other instances set forth in Cabinet Order when it is not necessary to deposit a recycling deposit, etc., the owner of an automobile for which a recycling deposit, etc. has been deposited may recover the recycling deposit, etc. specified by order of the competent ministry.

- (2) When two years have elapsed from the date on which an automobile has been exported (in cases where specified by Cabinet Order in the preceding paragraph, when specified by Cabinet Order), the rights to recovery pursuant to the provisions in the preceding paragraph expire on prescription.
- (3) A person who intends to recover the recycling deposit, etc. pursuant to the provisions of the preceding paragraph must pay the Deposit Management Corporation a fee in an amount set by the Deposit Management Corporation after obtaining approval from the competent minister specified by Cabinet Order.

(Provisions Governed by Order of the Competent Ministry)

Article 79 In addition to what is prescribed in this Chapter, information necessary for the deposit, payment and recovery of the recycling deposit, etc. is specified by order of the competent ministry.

## **Chapter V Report on Movements**

### (Issuance of Written Documents)

- Article 80 (1) When end-of-life automobiles are collected, pursuant to the provisions of order of the competent ministry, the collection operators must issue written document to the person requesting collection of the end-of-life automobiles indicating the name, the vehicle number of the end-of-life automobile (including information specified by order of the competent ministry as those similar to this; the same applies hereinafter) and other information specified by order of the competent ministry.
- (2) Collection operators with the approval of the person requesting collection of the end-of-life automobiles, may provide information to be included in the documentation by methods using electronic data processing systems or other types of information communications technology which are specified by order of the competent ministry, instead of issuing the written documents pursuant to the provisions of the preceding paragraph specified by Cabinet Order. In this case, the collection operators is deemed to have issued the documentation.

### (Report on Movements)

- Article 81 (1) When end-of-life automobiles are collected as specified by order of the competent ministry, the collection operator must report the name of the person requesting collection of the end-of-life automobiles and vehicle number of the end-of-life automobiles and other information specified by order of the competent ministry to the Information Management Center within the period specified by order of the competent ministry.
- (2) When end-of-life automobiles are delivered to fluorocarbons recovery operators or dismantling operators (in the case where the transport is entrusted to another person that delivers the end-of-life automobiles to the fluorocarbons recovery operator or dismantling operator; when the end-of-life automobiles are delivered to the person to whom the transport of the end-of-life automobiles is entrusted), as specified by order of the competent ministry, the collection operator must report the name of the person taking the delivery of the end-of-life automobiles, the vehicle numbers of the end-of-life automobiles and other information specified by order of the competent ministry to the Information Management Center within the period specified by order of the competent ministry.
- (3) When end-of-life automobiles are collected, as specified by order of the

competent ministry, the fluorocarbons recovery operators must report the name of the person requesting collection of the end-of-life automobiles, the vehicle number of the end-of-life automobiles and other information specified by the order of the competent ministry to the Information Management Center within a period specified by order of the competent ministry.

- (4) When fluorocarbons are delivered to automobile manufacturers, etc. or designated recycling organizations (in the case where the transportation necessary to deliver fluorocarbons to the automobile manufacturers, etc. or designated recycling organizations is entrusted to another party and when the fluorocarbons are delivered to the person to whom the transport of the fluorocarbons is entrusted), as specified by order of the competent ministry, the fluorocarbons recovery operators must report the name of the person taking the delivery of the fluorocarbons and the vehicle number of the end-of-life automobiles pertaining to the fluorocarbons to the Information Management Center within a period specified by order of the competent ministry.
- (5) The fluorocarbons recovery operators, as specified by order of the competent ministry, must report to the Information Management Center the amount of fluorocarbons recovered and reutilized within the specified period of time, the vehicle number of the end-of-life automobiles relating to the fluorocarbons and other information specified by order of the competent ministry for each period of time specified by order of the competent ministry.
- (6) When end-of-life automobiles are delivered to dismantling operators (in case of transport required to deliver the end-of-life automobiles to the dismantling operators which is entrusted to another person and when the end-of-life automobiles are delivered to the another person to whom the transport of the end-of-life automobiles is entrusted), as specified by order of the competent ministry, the fluorocarbons recovery operators must report the name of the person taking the delivery of the end-of-life automobiles, the vehicle number of the end-of-life automobiles and other information specified by order of the competent ministry to the Information Management Center within the period specified by order of the competent ministry.
- (7) When end-of-life automobiles or dismantled automobiles are collected, as specified by order of the competent ministry, the dismantling operators must report the name of the person requesting collection of the end-of-life automobile or dismantled automobile, the vehicle number of the end-of-life automobile or dismantled automobile and other information specified by order of the competent ministry within the period specified by order of the competent ministry to the Information Management Center within the period specified by order of the competent ministry.
- (8) When designated parts for recovery are delivered to automobile manufacturers, etc. or to designated recycling organizations (in case of

transport required to deliver designated parts for recovery to automobile manufacturers, etc. or designated recycling organizations which is entrusted to another person and when the designated parts for recovery are delivered to the entrustee to transport the designated parts for recovery), as specified by order of the competent ministry, the dismantling operators must report the name of the person taking the delivery of the designated parts for recovery, the vehicle number of the end-of-life automobiles relating to the designated parts for recovery and other information specified by order of the competent ministry to the Information Management Center within the period specified by order of the competent ministry.

(9) When end-of-life automobiles or dismantled automobiles are delivered to other dismantling operators, shredding and sorting operators or scrap dealers of whole dismantled automobiles (in case of transport for delivery of the end-of-life automobiles or dismantled automobiles to other dismantling operators, shredding and sorting operators or scrap dealers of whole dismantled automobiles is entrusted to another party and when the end-of-life automobiles or dismantled automobiles are delivered to the entrustee to transport the end-of-life automobiles or dismantled automobiles), as specified by order of the competent ministry, the dismantling operators must report to the Information Management Center within the period specified by order of the competent ministry the name of the person taking the delivery of the end-of-life automobile or dismantled automobile (when the dismantled automobile involves the entrustment of recycling of the whole automobile manufacturers, etc. upon the authorization of the competent minister pursuant to the provisions of Article 31, paragraph (1), the gist of this as well as the name of scrap dealers of whole dismantled automobiles taking the delivery of the end-of-life automobiles or dismantled automobiles), the vehicle number of the end-of-life automobiles or dismantled automobiles and other information specified by order of the competent ministry.

(10) When dismantled automobiles are collected, as specified by order of the competent ministry, the shredding and sorting operators must report the name of the person requesting collection of the dismantled automobiles, the vehicle number of the dismantled automobiles and other information specified by the order of the competent ministry to the Information Management Center within the period specified by order of the competent ministry.

(11) When the dismantled automobiles are delivered to other shredding and sorting operators or scrap dealers of whole dismantled automobiles (in case of transport for delivery of the dismantled automobiles which is entrusted to another shredding and sorting operator or scrap dealers of whole dismantled automobiles, when the dismantled automobile is delivered to the entrustee to transport the dismantled automobile), as specified by order of the competent



ministry, the shredding and sorting operator must report to the Information Management Center the name of the person taking the delivery of the dismantled automobiles (in case of the dismantled automobiles involve the entrustment of recycling of the whole dismantled automobiles by automobile manufacturers, etc. authorized by the competent minister pursuant to the provisions of Article 31, paragraph (1), the gist of this as well as the name of scrap dealers of whole dismantled automobiles taking the delivery of the end-of-life automobiles and dismantled automobiles), the vehicle number of the dismantled automobiles and other information specified by order of the competent ministry within the period specified by order of the competent ministry.

(12) When automobile shredder residue is delivered to automobile manufacturers, etc. or designated recycling organizations (in case of transport to deliver automobile shredder residue to automobile manufacturers, etc. or designated recycling organizations which is entrusted to another person, when automobile shredder residue is delivered to the trustee to transport the automobile shredder residue), as specified by order of the competent ministry, the shredding and sorting operators must report to the Information Management Center the name of the person taking the delivery of the automobile shredding residue, the vehicle number of the end-of-life automobiles related to the automobile shredding residue and other information specified by order of the competent ministry within the period specified by order of the competent ministry.

(13) When specified parts for recycling, etc. are collected as specified by order of the competent ministry, the automobile manufacturers, etc. and the designated recycling organizations must report the name of the person requesting collection of the specified parts for recycling, etc., the vehicle number of the end-of-life automobiles related to the specified parts for recycling, etc. and other information specified by order of the competent ministry to the Information Management Center within the period specified by order of the competent ministry.

#### (Method to Report the Movements)

Article 82 (1) The related business operators, automobile manufacturers, etc. or designated recycling organizations (hereinafter collectively referred to as "related business operators, etc." in this Chapter) must use electronic data processing systems (meaning the electronic data processing systems connecting computers used by the Information Management Center to the computers used by related business operators, etc. via the telecommunications lines; the same applies hereinafter) for reports (hereinafter referred to comprehensively as "Reports on Movements") pursuant to the provisions of order of the competent

ministry.

- (2) The report on the movements made pursuant to the provisions of the preceding paragraph must be recorded in files provided for electronic computers used by the Information Management Center (except for Article 89, item (iii), hereinafter simply referred to as "files") and is deemed to have arrived at the Information Management Center when they are recorded in the files.
- (3) When the related business operators, etc. request that the Information Management Center pay a fee in an amount specified by the Information Management Center upon the authorization of the competent minister and record the information provided in the documents relating to the report on the movements in the file specified by Cabinet Order, notwithstanding the provisions of paragraph (1), they may submit the report on the movements in writing, as specified by order of the competent ministry.
- (4) When a report on the movements is submitted in writing pursuant to the provisions of the preceding paragraph, the Information Management Center must enter the information listed in the written document in the file as specified by order of the competent ministry.
- (5) The information recorded in the file pursuant to the provisions of the preceding paragraph regarding the report on the movements submitted in writing are presumed to be the same as the information recorded in the written document.
- (6) When the Information Management Center finds that the information recorded in the file set forth in the preceding paragraph is not the same as the information recorded in the written document set forth in the same paragraph, the Information Management Center must immediately make corrections to the information recorded in the file.
- (7) When the related business operator finds that the information recorded in the file referred to in paragraph (5) relating to the report on the movements made by the related business operator, etc., is not the same as the information provided in the written document set forth in the same paragraph, the related business operator, etc. may report this to the Information Management Center.

(Special Provisions for Methods to Report the Movements)

- Article 83 (1) When the telecommunications lines have broken down and when the report on the movements cannot be made using other electronic data processing system which is specified by the order of the competent ministry, the related business operators, etc. may submit the report on the movements recorded on magnetic disk instead of the electronic data processing system specified by order of the competent ministry.
- (2) When the report on the movements is submitted on magnetic disk pursuant to

the provisions of the preceding paragraph, the Information Management Center must record the information recorded on the magnetic disk in the files specified by order of the competent ministry.

(Retaining Records in Files)

Article 84 The Information Management Center must retain the records on files relating to the information reported in the report on the movements for a period specified by order of the competent ministry from the date on which the report on the movements is received.

(Request for Inspection of Files)

Article 85 (1) The related business operators, etc. may request that the Information Management Center make the inspection available using an electronic data processing system (hereinafter referred to as "inspection of files") or issuance of written documents containing the information or a magnetic disk with these information recorded (hereinafter referred to as "written documents, etc.") regarding the information recorded in the files and the end-of-life automobiles, dismantled automobiles or specified parts for recycling, etc. (hereinafter collectively referred to as "end-of-life automobiles, etc." in this Chapter) collected by these related business operators as specified by order of the competent ministry.

(2) When the related business operators, etc. (except for collection operators) are requested to collect the end-of-life automobiles, etc., they may request that the Information Management Center makes the inspection of the files available or delivers the written documents, etc. regarding the information recorded in the files relating to the end-of-life automobiles, etc. which they have been required to collect as specified by order of the competent ministry.

(3) The automobile manufacturers, etc. who have received authorization set forth in Article 31, paragraph (1) may request that the Information Management Center make the inspection of the files available or issue the written documents, etc. regarding the information recorded in the files and regarding dismantled automobiles for which the automobile manufacturers, etc. have received authorization and to whom the implementation of recycling of the whole dismantled vehicles has been entrusted.

(4) A person who requests the issuance of the written documents, etc. pursuant to the provisions of the preceding three paragraphs must pay to the Information Management Center a fee in an amount specified by the Information Management Center which has been approved by the competent minister as specified by Cabinet Order.

Article 86 The Deposit Management Corporation may request that the Information Management Center make the inspection of the files available or

issue the written documents, etc. regarding the information recorded in the files.

(Request for Inquiry)

Article 87 A person who has delivered an end-of-life automobile to a collection operator may request that the collection operator make an inquiry to the Information Management Center regarding the information recorded in the files and relating to the end-of-life automobile. In this case, unless they have legitimate grounds, the collection operator must request that the Information Management Center make the inspection of the files available or issue the written documents, etc. pursuant to the provisions of Article 85, paragraph (1) and must respond to that person.

(Report to the Prefectural Governor)

Article 88 (1) When a report pursuant to the provisions of Article 81, paragraph (2), (6), (8), (9), (11) or (12) (hereinafter referred to as "report on implementing delivery after collection" in this Article) which must be made by the person making the report on implementing delivery after collection has not been received within the period specified by order of the competent ministry after the report (hereinafter referred to as "report on implementing collection" in this Article) pursuant to the provisions of Article 81, paragraph (1), (3), (7) or (10) was received, the Information Management Center must notify the person making the report on implementing collection of this without delay.

(2) When a report (hereinafter referred to as "report on implementing collection after delivery" in this Article) pursuant to the provisions of Article 81, paragraph (3), (7), (10) or (13) is to be made by the person (hereinafter simply referred to simply as a "person taking delivery" in this Article) taking delivery of the end-of-life automobiles reported on in the report on implementing delivery within a period of time specified by order of the competent ministry after the report (in the report pursuant to the provisions of Article 81, paragraph (9) or (11), this does not apply to delivery to scrap dealers of whole dismantled automobiles. Hereinafter referred to as "report on implementing delivery" in this Article) pursuant to the provisions of Article 81, paragraph (2), (4), (6), (8), (9), (11) or (12) was received, the Information Management Center must notify the person making the report on implementing delivery of this without delay.

(3) The person receiving the notification set forth in the preceding paragraph must confirm the status of the collection or delivery of the end-of-life automobile, etc. without delay by making an inquiry to the entrustee to transport the end-of-life automobiles, etc. by the person taking delivery or the person receiving notification or by another method.

- (4) When a report on implementing delivery after collection to be made by the person making the report on implementing collection in paragraph (1) has not been received even after the period specified by order of the competent ministry has elapsed after the notification referred to in paragraph (1) has been made as specified by order of the competent ministry, the Information Management Center must report to the prefectural governor without delay that there is likelihood that the end-of-life automobiles, etc. may not be collected or delivered as is appropriate in addition to the name of the person making the report on implementing collection, the vehicle number of the end-of-life automobiles, etc. (when these are specified parts for recycling, etc., the vehicle number of the end-of-life automobiles related to the specified parts for recycling, etc.; the same applies hereinafter in this paragraph) and other information specified by order of the competent ministry.
- (5) When the report on implementing collection after delivery to be made by the person taking delivery set forth in paragraph (2) has not been received even after the period specified by order of the competent ministry after the notification indicated in paragraph (2) has been made, specified by order of the competent ministry, the Information Management Center must report to the prefectural governor without delay that it is likely that the end-of-life automobiles, etc. may not be collected or delivered as is appropriate in addition to the name of the person making the report on implementing delivery relating to the notification, the vehicle number of the end-of-life automobiles, etc. and other information specified by order of the competent ministry.
- (6) When the report pursuant to the provisions of Article 81, paragraph (5) has not been received from the fluorocarbons recovery operators or when the information prescribed in the same paragraph have not been recorded or included in the report, as specified by the order of the competent ministry, the Information Management Center must report to the prefectural governor the name of the fluorocarbons recovery operators and other information specified by order of the competent ministry.

(Notification Based on Electronic Information Processing System)

- Article 89 (1) The Information Management Center may use an electronic data processing system for notifications (hereinafter referred to as "notice of confirmation") pursuant to the provisions of paragraph (1) or (2) of the preceding Article as specified by order of the competent ministry with the approval of the related business operators receiving the notice of confirmation.
- (2) When a report on the movements is made using an electronic data processing system, the related business operators may not refuse to grant approval referred to in the preceding paragraph for the notice of confirmation pertaining to the report on the movements unless they have legitimate grounds.

- (3) A notice of confirmation made using an electronic data processing system pursuant to the provisions of paragraph (1) is deemed to have reached a related business operator when a record is saved in the files provided in the computer used by the related business operators.

(Recommendations and Orders)

Article 90 (1) When the prefectural governor finds that the related business operators are not in compliance with the provisions of Article 80, paragraph (1), Article 81, paragraphs (1) through (12) or the provisions of Article 87, the prefectural governor may recommend that the related business operators take the necessary measures.

- (2) When the competent minister finds that the automobile manufacturers, etc. are not in compliance with the provisions of Article 81, paragraph (13), the competent minister may recommend that the automobile manufacturers, etc. take the necessary measures.

(3) When a related business operator who has received a recommendation prescribed in paragraph (1) has not taken the measures related to the recommendation without legitimate grounds, the prefectural governor may order the related business operator to take the measures pertaining to the recommendation.

(4) When automobile manufacturers, etc. who have received a recommendation prescribed in paragraph (2) have not taken the measures pertaining to the recommendation without legitimate grounds, the competent minister may order the automobile manufacturers, etc. to take the measures pertaining to the recommendation.

(Provisions Governed by Order of the Competent Ministry)

Article 91 In addition to what is prescribed in this Chapter, information required for the report on the movements and providing information pertaining to the report on the movements are specified by order of the competent ministry.

## **Chapter VI Designated Corporation**

### **Section 1 Deposit Management Corporation**

(Designations)

Article 92 (1) The competent minister may designate a not-for-profit corporation which is deemed to be able to conduct the business in the following Article in a proper and reliable manner (hereinafter referred to as the "deposit management business") as a Deposit Management Corporation at the request of the not-for-profit corporation, which is limited to one throughout the country.

- (2) The competent minister must make the name, address or location of the office of the Deposit Management Entity public when the Deposit Management Corporation is designated pursuant to the provisions of the preceding paragraph.
- (3) When a Deposit Management Corporation intends to make changes to its name, address or location of the office, it must notify the competent minister of the changes in advance.
- (4) When a notification is submitted pursuant to the provisions of the preceding paragraph, the competent minister must announce the information pertaining to the notification.

(Affairs)

Article 93 A Deposit Management Corporation must handle the following affairs:

- (i) conducting the management of a recycling deposit, etc.
- (ii) certifying the information relating to the deposit of a recycling deposit, etc.
- (iii) handling affairs combined with the affairs referred to in the preceding two items.

(Operational Rules for Deposit Management)

Article 94 (1) When conducting a deposit management business, a Deposit Management Corporation must establish the operational rules for deposit management for the method to implement the Deposit Management Business and other matters specified by order of the competent ministry and obtain the minister's authorization before commencing. The same applies to cases where a change is made to the operational rules.

- (2) When the competent minister finds that the request for authorization referred to in the preceding paragraph conforms to all of the following items, the competent minister must approve the request set forth in same paragraph.
  - (i) the implementation method of the deposit management business is specified in a proper and clear manner.
  - (ii) no specific persons are treated in an unfair and discriminatory manner.
  - (iii) there is no risk of causing unreasonable damage to the interests of the owners of the automobiles, related business operators, automobile manufacturers, etc.
- (3) When the competent minister finds that the operational rules for deposit management approved set forth in paragraph (1) have become inappropriate in terms of proper and reliable implementation of the deposit management business, the competent minister may order to make changes to the operational rules for the deposit management.
- (4) When a Deposit Management Corporation obtains the authorization set forth in paragraph (1), it must make its operational rules for deposit management

without delay.

(Business Plans)

Article 95 (1) In each business year, a Deposit Management Corporation must prepare a business plan and an income and expenditure budget relating to the deposit management business pursuant to the provisions of order of the competent ministry and obtain approval from the competent minister. The same applies to cases where a change is made to these documents.

(2) When a Deposit Management Corporation obtains the approval set forth in the preceding paragraph, it must publicize the business plan and the income and expenditure budget without delay.

(3) After the ending date of each business year, a Deposit Management Corporation must prepare a business report and a statement of account relating to the deposit management business, and submit these to the competent minister, and publicize these pursuant to the provisions of order of the competent ministry.

(Suspension or Discontinuance of Business)

Article 96 A Deposit Management Corporation must not suspend or discontinue all or a part of its deposit management business without obtaining approval from the competent minister.

(Investment of Recycling Deposit)

Article 97 (1) The Deposit Management Corporation must not invest a recycling deposit, etc., except in the following manners.

(i) ownership of the Japanese government bonds or other securities designated by the competent minister

(ii) deposit in a bank or other financial institutions designated by the competent minister

(iii) a money trust in a financial institution operating a trust business (meaning financial institutions having obtained the approval of the Act on Engagement in Trust Business Activities by Financial Institutions (Act No. 43 of 1943), Article 1, paragraph (1))

(2) The Deposit Management Corporation must separate and organize the accounting relating to a recycling deposit, etc. from other accounting as specified by order of the competent ministry.

(Handling of Specified Recycling Deposit)

Article 98 (1) When a recycling deposit, etc. (including the interest; hereinafter the same applies in this Article) managed by a Deposit Management Corporation (hereinafter referred to as the "specified recycling deposit, etc.")



falls under any of the following items, the Deposit Management Corporation may make a contribution with approval from the competent minister as specified by Cabinet Order on the condition that the specified recycling deposit, etc. is allocated as an expense required for implementation of the deposit management business or allocated as a expense required for the business of Article 106, items (ii) through (v) for the Designated Recycling Organization, or on the condition that the specified recycling deposit, etc. is allocated as a expense required for the information management business prescribed in Article 114 for an Information Management Corporation.

- (i) a recycling deposit, etc. in the case where the right to recover under the provisions of Article 78, paragraph (1) pertaining to the owner of an automobile for which the recycling deposit, etc. has been deposited, has expired pursuant to the provisions of Article 78, paragraph (2).
- (ii) a recycling deposit (limited to that corresponding to the fee specified in Article 34, paragraph (1), item (i) or the fee specified in Article 108, paragraph (1), item (i)) pertaining to dismantled automobiles which have been transferred to scrap dealers of whole dismantled automobiles (excluding cases where the dismantled automobiles pertaining to the entrustment for recycling of the whole dismantled automobiles carried out by an automobile manufacturer, etc. which has obtained approval from the competent minister pursuant to the provisions of Article 31, paragraph (1)).
- (iii) a deposit for recycling, etc. pertaining to the destruction of fluorocarbons in cases where fluorocarbon recovery operators are reutilizing the fluorocarbons.
- (iv) a recycling deposit, etc. in cases where there are no requests for payment within the twenty years (hereinafter referred to as the "expiration date" in this item) from the date on which an automobile for which the recycling deposit, etc. was deposited last received the issuance of a vehicle inspection certificate or the return of a vehicle inspection certificate (meaning the return of vehicle inspection certificate pursuant to the provisions of the Road Transport Vehicle Act, Article 62, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 67, paragraph (4) of the same Act); the same applies hereinafter) pursuant to the provisions of Article 76, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of paragraph (3) of the same Article), paragraph (4), or paragraph (6) for deposit for recycling, etc. or information management deposit pertaining to specified parts for recycling, etc. (excluding the recycling deposit, etc. listed in the preceding three items and in cases where the owner of the automobile notifies the Deposit Management Corporation of the fact that the automobile will continue to be used even after the expiration date specified by order of the competent ministry).

- (v) what is set forth in the preceding items, the recycling deposit, etc. in the case where the competent minister finds that payment is not required pursuant to the provisions of Article 76, paragraphs (1), (4) and (6).
- (2) A Deposit Management Corporation may assume a portion of the deposit for recycling, etc. to be deposited by the owner of the automobile pursuant to the provisions of Article 73, paragraphs (1) and (3) during the time period specified by the Deposit Management Corporation (referred to as the "specified time period" in the following paragraph) if there is a specified recycling deposit, etc. exceeding the amount specified by order of the competent ministry after the Deposit Management Corporation allocates the specified recycling deposit, etc. as expenses required for implementation of its deposit management business pursuant to the provisions of the preceding paragraph or as a contribution to a Designated Recycling Organization or an Information Management Center.
- (3) In the case set forth in the preceding paragraph, the Deposit Management Corporation must establish a plan that specifies the specified time period, the amount to be assumed (referred to as the "dues" in paragraph (5)) and other matters specified by order of the competent ministry as specified by Cabinet Order and obtain approval from the competent minister.
- (4) When the Deposit Management Corporation obtains the approval set forth in the preceding paragraph, it must publicize the plan without delay.
- (5) Regarding the application of the provisions of Article 78, paragraph (1) concerning the automobile in the case where a Deposit Management Corporation assumes a portion of deposit for recycling, etc. to be deposited by the owner of the automobile pursuant to the provisions of paragraph (2), the term "recover the recycling deposit, etc." in Article 78, paragraph (1) is deemed to be replaced with "recover the amount after deducting the dues and the interest from the recycling deposit, etc.".

(Advisory Committee for Deposit Management Business)

Article 99 (1) The Deposit Management Corporation must establish an Advisory Committee for Deposit Management Business.

- (2) The Advisory Committee for Deposit Management Business may study and deliberate upon the operation of the recycling deposit, etc., the handling of the specified recycling deposit, etc., and other important matters relating to the implementation of the Deposit Management Business in response to consultation requested by the representative of the Deposit Management Corporation, and may express opinions related thereto that are recognized as important to the representative of the Deposit Management Corporation.
- (3) The representative of the Deposit Management Corporation must appoint members of the Advisory Committee for deposit management business from among the persons who have great knowledge relating to economics or finance,

others having relevant expertise and those who representing the opinions of general consumers, who are approved by the competent minister.

(Keepong Books)

Article 100 The Deposit Management Corporation must keep the books and enter or record the information specified by order of the competent ministry relating to Deposit Management Business and retain them pursuant to the provisions of order of the competent ministry.

(Order to Dismiss)

Article 101 When an officer of the Deposit Management Corporation violates this Act or an order or disposition under this Act, or engages in conduct violating the operational rules for deposit management which is approved pursuant to the provisions of Article 94, paragraph (1), or engages in extremely inappropriate conduct relating to the deposit management business, the competent minister may order the Deposit Management Corporation to dismiss the officer.

(Reports and On-site Inspections)

Article 102 (1) To the extent necessary for the enforcement of this Act, the competent minister may have the Deposit Management Corporation prepare necessary reports relating to the Deposit Management Business or the status of assets, and may have officials of the Ministry enter the office of the Deposit Management Corporation to inspect the status of the deposit management business, the books, documents, and other objects.

(2) The officials who conduct on-site inspections pursuant to the provisions of the preceding paragraph must carry an identification card and produce it to the persons concerned.

(3) The authority for the on-site inspection granted pursuant to the provisions of paragraph (1) must not be interpreted as being granted for criminal investigation.

(Order to Supervise)

Article 103 When the competent minister finds it necessary to enforce this Act, the competent minister may give the Deposit Management Corporation orders necessary to supervise the deposit management business.

(Revocation of the Designation)

Article 104 (1) When the Deposit Management Corporation falls under any of the following items, the competent minister may revoke the designation pursuant to the provisions of Article 92, paragraph (1) (hereinafter simply referred to as

the "designation" in this Article).

- (i) when it is found that the deposit management business cannot be implemented in a proper and steady manner.
  - (ii) when a person engaged in a wrongful conduct relating to designation.
  - (iii) when the Deposit Management Corporation violates this Act or an order or disposition given under this Act, or conducts the deposit management business not pursuant to the operational rules for deposit management approved pursuant to the provisions of Article 94, paragraph (1).
- (2) When the competent minister revokes the designation pursuant to the provisions of the preceding paragraph, the competent minister must announce the revocation.
- (3) If the recycling deposit etc. continues to exist when a designation is revoked pursuant to the provisions of paragraph (1), the juridical person pertaining to the revocation of designation must promptly deliver the recycling deposit, etc. to the Deposit Management Corporation designated by the competent minister.
- (4) In addition to what is specified in the preceding paragraph, the handing over of the deposit management business as well as other necessary matters in the case where designation is revoked pursuant to the provisions of paragraph (1) are specified by order of the competent ministry.

## **Section 2 Designated Recycling Organizations**

(Designations)

Article 105 The competent minister may designate a not-for-profit corporation which is considered to be able to conduct the business prescribed in the following Article in a proper and steady manner (hereinafter referred to as the "recycling business, etc.") as a Designated Recycling Organization at the request of the Designated Recycling Organization, which is limited to one throughout the country.

(Business)

Article 106 A Designated Recycling Organization is to conduct the following business:

- (i) through the entrustment by an automobile manufacturer, the number of automobiles they produce is less than the number specified by order of the competent ministry (hereinafter "specified automobile manufacturers, etc.") implementing the acts required for the recycling, etc. of specified parts for recycling, etc. that must be done by the specified automobile manufacturers, etc.
- (ii) implementing the acts required for recycling, etc. of specified parts for recycling, etc. for which no automobile manufacturers, etc. that collect

pursuant to the provisions of Article 21 or for which the automobile manufacturers, etc. cannot be ascertained.

- (iii) making a contribution of funds for allocation to expenses required for measures to a municipality and otherwise cooperating therewith in the case where a proposal is received from the head of the municipality, and the municipality, being an area specified by Cabinet Order as an isolated region for which the competent minister has provided public notice of the fact that the region falls under the conditions specified by order of the competent ministry as a region in which there is an impediment to delivering end-of-life automobiles to a collection operator, has taken measures for transport in order to deliver end-of-life automobiles to a collection operator therefrom or otherwise remove the impediment.
- (iv) contribution of funds to local governments taking measures to remove, etc. impediments pursuant to the provisions of the Waste Management Act, Article 19-7, paragraph (1) or Article 19-8, paragraph (1) and otherwise cooperating therewith in the case where end-of-life automobiles, dismantled automobiles, specified parts for recycling, etc., or waste generated accompanying the disposal thereof has been improperly dispose of.
- (v) collecting the dismantled automobiles or specified parts for recycling, etc. removed by the head of a local government pursuant to the provisions of the Waste Management Act, Article 19-7, paragraph (1) or Article 19-8, paragraph (1) and implementing the acts necessary to recycle, etc. in the case provided in the preceding item.
- (vi) beyond what is set forth in the preceding item, collecting dismantled automobiles or specified parts for recycling, etc. for which collection or delivery has not been carried out properly and implementing the acts necessary for recycling, etc. thereof at the request of a local government or other parties.
- (vii) carrying out the studies necessary as well as dissemination and promotion of knowledge relating to implementation of collecting, delivery, and recycling, etc. of end-of-life automobiles, dismantled automobiles and specified parts for recycling, etc.
- (viii) handling inquiries from automobile owners, related business operators, automobile manufacturers, etc. and other parties relating to the collection and delivery of end-of-life automobiles, dismantled automobiles, and specified parts for recycling, etc. as well as the implementation of recycling, etc. thereof.
- (ix) conducting business incidental to that set forth in the preceding items.

(Special Provisions of Licenses, etc. for Dismantling Operations)

Article 107 (1) When conducting the business listed in Item 5 or Item 6 of the

preceding Article, Designated Recycling Organizations and parties receiving entrustment therefrom may carry out the acts necessary for that business in the course of trade without obtaining license pursuant to these rules notwithstanding the provisions of Article 60, paragraph (1) and Article 67, paragraph (1).

- (2) When a Designated Recycling Organization entrusts the acts prescribed in the preceding paragraph to another person, it must abide by the standards specified by Cabinet Order.
- (3) When a dismantling operator, shredding and sorting operator, or automobile manufacturer, etc receives the entrustment of the preceding paragraph and carries out the acts provided in paragraph (1), the provisions of Chapter 2 and Chapter 5 do not apply thereto.

#### (Publication of Fees Pertaining to Recycling)

Article 108 (1) A Designated Recycling Organization must specify and publicize the fees specified in the following items in advance for recycling, etc. listed in the items pertaining to automobiles that are the object of the business listed in Article 106, item (ii) pursuant to the provisions of order of the competent ministry.

- (i) recycling of automobile shredder residue: the fees relating to the acts necessary for recycling the automobile shredder residue pertaining to the automobiles carried out by the Designated Recycling Organization
  - (ii) recycling of designated parts for recovery: the fees relating to the acts (including payment of the designated recovery fee pertaining to designated parts for recovery) necessary for recycling designated parts for recovery pertaining to the automobiles carried out by the Designated Recycling Organization
  - (iii) destruction of fluorocarbons: the fees relating to the acts (including the payment of fluorocarbons recovery fee pertaining to the fluorocarbons) necessary for destroying the fluorocarbons filled in specified air conditioners installed in the automobiles carried out by the Designated Recycling Organization
- (2) A Designated Recycling Organization must specify and publicize the fees relating to the business listed in Article 106, item (vi) beforehand pursuant to what is specified by order of the competent ministry. The same applies to any change to the fees.

#### (Operational Rules for Recycling)

Article 109 (1) When carrying out recycling business, etc., a Designated Recycling Organization must specify the recycling, etc. operational rules for the implementation method of the recycling business, etc., the calculation

method of the fee amount pertaining to the entrustment of Article 106, item (i) (hereinafter referred to as the "entrustment fee"), the fees specified in the items in paragraph (1) of the preceding Article, the fluorocarbons recovery fee, the designated recovery fee, the fees relating to the business listed in Article 106, item (vi), and other matters specified by order of the competent ministry before commencing and obtain authorization from the competent minister. The same applies to cases where a change is made to the operational rules for recycling, etc.

- (2) When the competent minister finds that the request for approval of the preceding paragraph conform to all of the following items, the competent minister must approve the request as set forth in the same paragraph.
  - (i) the application specifies the implementation method of the recycling business, etc., the calculation method of the entrustment fee amount, the fees specified in the items of paragraph (1) of the preceding Article, the fluorocarbons recovery fee, the designated recovery fee, and the fees relating to the business listed in Article 106, item (vi) in a proper and clear manner.
  - (ii) the application specifies the responsibilities of Designated Recycling Organization or the person who concludes a contract pertaining to the entrustment of Article 106, item (i) (hereinafter referred to as the "contract for recycling, etc.") or a contract to implement the acts necessary for recycling, etc. of specified parts for recycling, etc. with the Designated Recycling Organizations, and matters related to the acceptance of the entrustment fee in a proper and clear manner.
  - (iii) no specific persons are treated in an unfair or discriminatory manner.
  - (iv) there is no risk of causing damage to interests of automobile owners, related business operators, and automobile manufacturers, etc.
- (3) When the competent minister finds that the operational rules for recycling, etc. with the approval set forth in paragraph (1) have become inappropriate in terms of proper and reliable implementation of the recycling business, etc., the competent minister may order the operational rules for recycling, etc. to be changed.

(Business Plans)

- Article 110 (1) In each business year, a Designated Recycling Organization must prepare a business plan and busget for revenue and expenditures relating to the recycling business, etc. pursuant to the provisions of order of the competent ministry and obtain approval from the competent minister. The same applies to cases where a change is made to these documents.
- (2) After each business year ends, a Designated Recycling Organization must prepare a business report and an income and expenditure statement relating to the recycling business, etc., and submit these to the competent minister

pursuant to the provisions of order of the competent ministry.

(Separate Accounting)

Article 111 A Designated Recycling Organization must prepare and separate the accounting relating to the business listed in Article 106, items (ii) through (v) from other accounting.

(Conclusion and Cancellation of Contract for Recycling)

Article 112 (1) In a case where the applicant of a contract for recycling, etc. is a specified automobile manufacturers, etc., which has concluded a contract for recycling, etc. in the past, when a Designated Recycling Organization must not refuse conclusion of the contract for recycling, etc. except when there is a entrustment Fee the applicant has not paid exceeding the payment due date or when they have otherwise legitimate grounds specified by the order of the competent ministry.

(2) A Designated Recycling Organization must not cancel the contract for recycling, etc. except when recycling, etc. of all specified parts for recycling, etc. pertaining to the contract for recycling, etc. of a specified automobile manufacturers, etc. that concluded that contract for recycling, etc. has done or when they have otherwise legitimate grounds specified by the order of the competent ministry

(Mutatis Mutandis Application)

Article 113 The provisions of Article 92, paragraphs (2) through (4); Article 96; Articles 100 through 103; and Article 104, paragraphs (1) and (2) apply mutatis mutandis to the Designated Recycling Organization. In this case, the term "deposit management business" in Article 96; Article 100; Article 102, paragraph (1); Article 103; and Article 104, paragraph (1), item (i) is deemed to be replaced with "recycling business, etc.", the term "should commit an act violating the operational rules for deposit management provided in Article 94, paragraph (1), whereby approval was obtained, or should commit a markedly inappropriate act relating to the deposit management business" in Article 101 is deemed to be replaced with "should commit an act violating the operational rules for recycling usiness, etc. provided in Article 109, paragraph (1), whereby approval was obtained, or should commit a markedly inappropriate act relating to the recycling business, etc."; and the term "the deposit management business should be conducted not pursuant to the operational rules for deposit management provided in Article 94, paragraph (1) whereby the approval was obtained" in Article 104, paragraph (1), item (iii) is deemed to be replaced with "recycling business, etc. should be conducted not pursuant to the operational rules for recycling business, etc. provided in Article 109, paragraph (1) whereby



the approval was obtained".

### **Section 3 Information Management Center**

(Designations)

Article 114 The competent minister may designate a not-for-profit corporation which is found to be able to conduct in a proper and reliable manner the business prescribed in the following Article (hereinafter referred to as the "information management business") as an information management center in response to an application therefrom, limited to one throughout the country.

(Business)

Article 115 An information management center is to conduct the following business:

- (i) use and management of the computers and other equipment necessary to process reports pursuant to the provisions of the items of Article 81, inspections pursuant to the provisions of Article 85 and Article 86, and office work pertaining to notices pursuant to the provisions of Article 88, paragraphs (1) (2) (referred to as the "report management work" in the following item) by using an electronic data processing system.
- (ii) preparation and retaining of the programs, files and other materials required to process the report management work by using an electronic data processing system.
- (iii) carrying out transmission over telecommunications lines pursuant to the provisions of Article 76, paragraph (2) (including as applied mutatis mutandis pursuant to the provisions of Article 76, paragraphs (3) and (5); the same applies to the provisions of Article 107, paragraph (1) and paragraph 2, item (i)), storage pursuant to the provisions of Article 84, delivery pursuant to the provisions of Article 85 and Article 86, notice pursuant to the provisions of Article 88, paragraphs (1) and (2), and reports pursuant to the provisions of Article 88, paragraphs (4) through (6).
- (iv) conducting business incidental to that set forth in the preceding three items.

(Reports)

Article 116 (1) In each business year, an information management center must aggregate the data recorded in files and report to the competent minister the status of collection and delivery of end-of-life automobiles, dismantled automobiles, and specified parts for recycling, etc. pursuant to the provisions of order of the competent ministry.

(2) When the report of the preceding paragraph is received, the competent

minister must promptly publicize the report.

(Operational Rules for Information Management)

Article 117 (1) When carrying out information management business, an information management center must specify the operational rules for information management for the implementation method of the information management business, the fees relating to the entrustment referred to in Article 76, paragraph (2), and other matters specified by order of the competent ministry before commencing and obtain approval from the competent minister. The same applies to cases where a change is made to the operational rules for information management.

(2) When the competent minister finds that the request for approval referred to in the preceding paragraph conforms to all of the following items, the competent minister must approval the request as set forth in the same paragraph.

(i) the request specifies the implementation method of the information management business and the fees pertaining to the entrustment referred to in Article 76, paragraph (2) in a proper and clear manner.

(ii) no specific persons are treated in an unfair or discriminatory manner.

(iii) there is no risk of causing damage to interests of automobile owners, related business operators, or automobile manufacturers, etc.

(3) When the competent minister finds that the operational rules for information management with the approval set forth in paragraph (1) have become inappropriate in terms of proper and reliable implementation of the information management business, the competent minister may order to make changes to the operational rules for information management Business.

(Duty of Confidentiality)

Article 118 Neither an officer nor a staff member of an information management center nor a person who held one of those positions must divulge confidential information that comes to be known to them in relation to the information management business.

(Revocation of Designation)

Article 119 (1) When an information management center falls under any of the following items, the competent minister may revoke its designation pursuant to the provisions of Article 114 (hereinafter simply referred to as the "designation" in this Article).

(i) when it is found that the information management business cannot be implemented in a proper and reliable manner.

(ii) when a person engages in an improper act relating to the designation.

- (iii) when the information management center violates this Act or an order or disposition imposed under this Act, or conducts an information management business not pursuant to the operational rules for information management provided in Article 117, paragraph (1) whereby the approval was obtained.
- (2) When the competent minister revokes the designation pursuant to the provisions of the preceding paragraph, the competent minister must publicize the revocation.
- (3) When the designation is revoked pursuant to the provisions of paragraph (1), the juridical person pertaining to the revoked designation must promptly hand over the records of files stored pursuant to the provisions of Article 84 to the information management center designated by the competent minister pursuant to the provisions of order of the competent ministry.
- (4) In addition to what is prescribed in the preceding paragraph, the handing over of the information management business and other necessary matters in the case where the competent minister revokes the designation pursuant to the provisions of paragraph (1) are specified by order of the competent ministry.

(Mutatis Mutandis Application)

Article 120 The provisions of Article 92, paragraphs (2) through (4); Article 96; Articles 100 through Article 103; Article 110; and Article 111 apply mutatis mutandis to information management centers. In this case, the term "deposit management business" in Article 96; Article 100; Article 102, paragraph (1); and Article 103; the term "recycling business, etc." in Article 110; and the term "the business listed in Article 106, items (ii) through (v)" in Article 111 is deemed to be replaced with "information management business"; and the term "should commit an act violating the operational rule for deposit management provided in Article 94, paragraph (1), whereby approval was obtained, or should commit a markedly inappropriate act relating to the deposit management business" in Article 101 is deemed to be replaced with "should commit an act violating the operational rules for information management provided in Article 117, paragraph (1), whereby approval was obtained, or should carry out a markedly inappropriate act relating to the information management business".

## **Chapter VII Miscellaneous Provisions**

(Relationship between this Act and the Waste Management Act)

Article 121 End-of-life automobiles, dismantled automobiles (excluding those delivered to scrap dealers of whole dismantled automobiles pursuant to the provisions of the proviso to Article 16, paragraph (4) and of the proviso to Article 18, paragraph (2)), and specified parts for recycling are deemed as

waste (meaning waste as provided in the Waste Management Act, Article 2, paragraph (1)), and the provisions of the Waste Management Act are applicable unless otherwise provided for in this Act.

(Special Provisions of the Waste Management Act Pertaining to Related Business Operators)

- Article 122 (1) Collection operators and fluorocarbons recovery operators may, notwithstanding the provision of Waste Management Act, Article 7, paragraph (1) and Article 14, paragraph (1), carry out collection or transport of end-of-life automobiles (limited to those pertaining to collection pursuant to the provisions of Article 9, paragraph (1) or Article 11 and to delivery pursuant to the provisions of Article 10 or Article 14) in the course of trade without obtaining license pursuant to these provisions; provided, however, that this does not apply to cases where suspension of business is ordered pursuant to the provisions of Article 51, paragraph (1) or Article 58, paragraph (1).
- (2) Dismantling operators may, notwithstanding the provision of Waste Management Act, Article 7, paragraphs (1) and (6), and Article 14, paragraphs (1) and (6), implement the acts necessary to recycle end-of-life automobiles or dismantled automobiles (limited to those acts falling under collection, transport, or disposal (including the recovery; the same applies hereinafter) of general waste (meaning the general waste prescribed in the Waste Management Act, Article 2, paragraph (2)) or industrial waste (meaning the industrial waste prescribed in the Waste Management Act, Article 2, paragraph (4)) in the course of trade without obtaining the license pursuant to these provisions; provided, however, that this does not apply to cases where suspension of business is ordered pursuant to the provisions of Article 66.
- (3) Shredding and sorting operators may, notwithstanding the provision of the Waste Management Act, Article 14, paragraphs (1) and (6), implement the acts necessary to recycle dismantled automobiles (limited to those falling under collection, transport, and disposal of industrial waste) within the scope of business with the license of Article 67, paragraph (1) without obtaining the license pursuant to these provisions; provided, however, that this does not apply to cases where suspension of business is ordered pursuant to the provisions of Article 66 as applied mutatis mutandis pursuant to the provisions of Article 72 following the replacement of terms.
- (4) Automobile manufacturers, etc. having received the authorization referred to in Article 28, paragraph (1) and a person (limited to those prescribed in Article 28, paragraph (2), item (ii)) receiving an entrustment therefrom and implementing the acts necessary to recycle specified parts for recycling (limited to those that fall under the transport or disposal of industrial waste) in the course of trade may implement the acts in the course of trade without

- obtaining the license pursuant to the provisions of the Waste Management Act, Article 14, paragraphs (1) and (6) notwithstanding these provisions.
- (5) Designated Recycling Organizations and a person receiving an entrustment therefrom and implementing the acts necessary to recycle dismantled automobiles or specified parts for recycling (limited to those falling under the collection, transport, or disposal of general waste or industrial waste) may implement the acts in the course of trade without obtaining the license pursuant to the Waste Management Act, Article 7, paragraphs (1) and (6), and Article 14, paragraphs (1) and (6) notwithstanding these provisions.
  - (6) Designated recycling organization must follow the standards specified by Cabinet Order in cases when entrusting the acts prescribed in the preceding paragraph to another person.
  - (7) With respect to the application of the provisions of the Waste Management Act, Article 7, paragraph (13); Article 7-5; Article 14, paragraphs (12) and (13); and Article 14-3-3, collection operators and fluorocarbon recovery operators are deemed as general waste collectors and transporters (meaning the general waste collectors and transporters prescribed in the Waste Management Act, Article 7, paragraph (12); the same applies hereinafter) or industrial waste collectors and transporters (meaning the industrial waste collectors and transporters prescribed in the Waste Management Act, Article 14, paragraph (12); the same applies hereinafter).
  - (8) With respect to the application of the provisions of the Waste Management Act, Article 7, paragraph (13); Article 7-5; Article 14, paragraphs (12) and (13); and Article 14-3-3, dismantling operators and the person prescribed in paragraph (5) are deemed as general waste collectors and transporters or general waste disposal operators (meaning the general waste disposal operators prescribed in the Waste Management Act, Article 7, paragraph (12); the same applies hereinafter) or industrial waste collectors and transporters, or industrial waste disposal operators (meaning the industrial waste disposal operators prescribed in the Waste Management Act, Article 14, paragraph (12); the same appl hereinafter).
  - (9) With respect to the application of the provisions of the Waste Management Act, Article 14, paragraphs (12) and (13) and Article 14-3-3, shredding and sorting operators and the person prescribed in paragraph (4) are deemed as industrial waste collectors and transporters or industrial waste disposal operators.
  - (10) With respect to the application of the Waste Management Act, Article 19-3, the person prescribed in the preceding three paragraphs are deemed as general waste collectors and transporters, general waste disposal operators, industrial waste collectors and transporters, or industrial waste disposal operators.
  - (11) Collection operators and fluorocarbons recovery operators and dismantling

operators (limited to those collecting end-of-life automobiles (limited to those that are general waste; hereinafter referred to as "general waste from end-of-life automobile") pursuant to the provisions of Article 15, receiving delivery of general waste from end-of-life automobiles pursuant to the provisions of Article 16, paragraph (6), and delivering general waste from end-of-life automobiles pursuant to the provisions of Article 16, paragraph (6)) must follow the standards specified by Cabinet Order in cases when entrusting the collection or transport of general waste from end-of-life automobile to another person.

(12) With respect to the application of the provisions of the Waste Management Act, Article 14, paragraph (14), collection operators, fluorocarbons recovery operators, and dismantling operators (limited to these persons collecting end-of-life automobiles (limited to those that are industrial waste; hereinafter referred to as " industrial waste from end-of-life automobiles ") pursuant to the provisions of Article 15, receiving delivery of dismantled automobiles pursuant to the provisions of Article 16, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of Article 16, paragraph (7)), receiving delivery of industrial waste from end-of-life automobiles or dismantled automobiles pursuant to the provisions of Article 16, paragraph (6) (including as applied mutatis mutandis pursuant to the provisions of Article 16, paragraph (7); hereinafter the same applies in this paragraph), and delivering industrial waste from end-of-life automobiles industrial waste or dismantled automobile pursuant to the provisions of Article 16, paragraph (6)) and shredding and sorting operators (limited to those persons collecting dismantled automobiles pursuant to the provisions of Article 17 or Article 18, paragraph (3), receiving delivery of dismantled automobiles pursuant to the provisions of Article 18, paragraph (2) or (7), or delivering dismantled automobiles pursuant to the provisions of Article 18, paragraph (2) or (7)) are deemed as industrial waste collectors and transporters. In this case, the term "the collection, transport and disposal of industrial waste whose entrustment was received from a business operator" in Article 14, paragraph (14) is deemed to be replaced with "the transport of industrial waste (limited to end-of-life automobiles (meaning the end-of-life automobiles prescribed in the Act on Recycling, etc. of End-of-Life Automobiles (Act No. 87 of 2002; hereinafter referred to as the "Act on Recycling, etc. of End-of-Life Automobiles"), Article 2, paragraph (2)) and dismantled automobiles (meaning the dismantled automobiles prescribed in the Act on Recycling, etc., of End-of-Life Automobiles, Article 2, paragraph (3)) collected pursuant to the provisions of the Act on Recycling, etc. of End-of-Life Automobiles, Article 9, paragraph (1); Article 11; Article 15; Article 17; and Article 18, paragraph (3), whose delivery is received pursuant to the provisions of the Act on Recycling, etc. of End-of-Life Automobiles, Article 16, paragraphs (4) and (6) (including as applied mutatis

mutandis pursuant to the provisions of Article 16, paragraph (7)) and Article 18, paragraphs (2) and (7)), or which are delivered pursuant to the provisions of the Act on Recycling, etc. of End-of-Life Automobiles, Article 10; Article 14; Article 16, paragraph (6) (including as applied mutatis mutandis pursuant to the provisions of Article 16, paragraph (7)); and Article 18, paragraph (7)".

(13) The provisions of the Waste Management Act, Article 12, paragraph (3) do not apply to the following acts.

(i) in the case of delivering the industria waste from end-of-life automobile industrial waste by a business operator to a collection operator pursuant to the provisions of Article 8, entrustment (limited to the entrustment of transport to the collection operator, fluorocarbon recovery operator, or dismantling operator and to the entrustment of disposal to a dismantling operator) of transport or disposal of industrial waste from end-of-life automobile pertaining to the delivery.

(ii) entrustment of the following transport or disposal carried out by a dismantling operator:

(a) in the case of delivering the designated parts for recovery to an automobile manufacturer, etc (meaning an automobile manufacturer, etc. prescribed in Article 13, paragraph (1) (limited to those other than Designated Recycling Organizations that have received the certification referred to in Article 28, paragraph (1)); hereinafter the same applies in this Article) pursuant to the provisions of Article 16, paragraph (3), entrustment (limited to those to the automobile manufacturers, etc.) of transport or disposal of the designated parts for recovery pertaining to the delivery

(b) in the case of delivering the dismantled automobiles to other dismantling operators or shredding and sorting operators pursuant to the provisions of Article 16, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of Article 16, paragraph (7)), entrustment (limited to those to other dismantling operators or shredding and sorting operators) of transport or disposal of the dismantled automobiles pertaining to the delivery

(iii) entrustment of the following transport or disposal carried out by a shredding and sorting operator:

(a) in the case of delivering the dismantled automobiles to other shredder and sorting operator pursuant to the provisions of Article 18, paragraph (2), entrustment (limited to that to other shredder and sorting operator) of transport or disposal of the dismantled automobiles pertaining to the delivery

(b) in the case of delivering the automobile shredder residue to an automobile manufacturer, etc pursuant to the provisions of Article 18, paragraph (6),

entrustment (limited to that to the automobile manufacturer, etc) of transport or disposal of the automobile shredder residue pertaining to the delivery

(14) The provisions of the Waste Management Act, Article 12-3, paragraph (1) do not apply to the following acts.

(i) in the case of delivering the industrial waste from end-of-life automobile industrial waste by a business operator to a collection operator pursuant to the provisions of Article 8, entrustment (excluding the entrustment of transport for the purpose of delivering industrial waste from end-of-life automobile to the collection operator) of transport or disposal of industrial waste from end-of-life automobile industrial waste pertaining to the delivery.

(ii) entrustment of the following transport or disposal carried out by a dismantling operator:

(a) in the case of delivering the designated parts for recovery to an automobile manufacturer, etc pursuant to the provisions of Article 16, paragraph (3), entrustment of transport or disposal of the designated parts for recovery pertaining to the delivery

(b) in the case of delivering the dismantled automobiles to other dismantling operators or shredding and sorting operators pursuant to the provisions of Article 16, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of Article 16, paragraph (7)), entrustment of transport or disposal of the dismantled automobiles pertaining to the delivery

(iii) entrustment of the following transport or disposal by a shredding and sorting operator.

(a) in the case of delivering the dismantled automobiles to other shredder and sorting operators pursuant to the provisions of Article 18, paragraph (2), entrustment of transport or disposal of the dismantled automobiles pertaining to the delivery

(b) in the case of delivering the automobile shredder residue to automobile manufacturers, etc. pursuant to the provisions of Article 18, paragraph (6), entrustment of transport or disposal of the automobile shredder residue pertaining to the delivery

(Special Provisions of the Waste Management Act Pertaining to General Waste Disposal Operators)

Article 123 (1) Industrial waste collectors and transporters (limited to persons receiving the entrustment of a collection operator, fluorocarbons recovery operator, or dismantling operator and carrying out collection or transport of industrial waste from end-of-life automobile industrial waste in the course of trade) may conduct the trade of collection or transport of general waste from end-of-life automobile notwithstanding the provisions of the Waste



Management Act, Article 7, paragraph (1). In this case, the person must carry out the collection or transport of general waste from the end-of-life automobile in accordance with the general waste disposal standards prescribed in the Waste Management Act, Article 6-2, paragraph (2) (hereinafter simply referred to as the "general waste management standards").

(2) The provisions of the Waste Management Act, Article 7, paragraph (12) do not apply to collection and transport carried out by a person having obtained the license of the Waste Management Act, Article 7, paragraph (1) and pertaining to general waste from end-of-life automobile.

(3) General industrial waste collectors and transporters (limited to those receiving the entrustment of a collection operator, fluorocarbons recovery operator, or dismantling operator and carrying out collection or transport of industrial waste from end-of-life automobile in the course of trade) may carry out the trade of collection or transport of industrial waste from end-of-life automobiles notwithstanding the provisions of the Waste Management Act, Article 14, paragraph (1). In this case, that person must carry out the collection or transport of industrial waste from end-of-life automobiles in accordance with the industrial waste management standards prescribed in the Waste Management Act, Article 12, paragraph (1) (hereinafter simply referred to as the "industrial waste management standards").

(Special Provisions of Application of the Waste Management Act in Cases Where Disposal of General Waste from End-of-Life Automobiles Does Not Comply with the General Waste Disposal Standards)

Article 124 (1) When the disposal of general waste from end-of-life automobiles does not comply with the general waste management standards pursuant to an entrustment of collection or transport of general waste from end-of-life automobiles is carried out in violation of the provisions of Article 122, paragraph (11), the entrusting person is deemed to fall under the person that dispose of waste, etc. prescribed in the Waste Management Act, Article 19-4, paragraph (1) with respect to the application of the provisions of the Waste Management Act, Article 19-4.

(2) In the case (excluding cases where the disposal is carried out for specified parts for recycling collected by an automobile manufacturer, etc or a Designated Recycling Organization) where the disposal of industrial waste from end-of-life automobiles, dismantled automobiles, specified parts for recycling (hereinafter referred to as "the industrial waste from end-of-life automobiles, etc." in this paragraph) not conforming to the industrial waste management standards is carried out, persons falling under any of the following items are deemed to fall under the persons prescribed in the Waste Management Act, Article 19-5, paragraph (1), item (iii) with respect to the

application of the provisions of the Waste Management Act, Article 19-5 for the obligations pertaining to the report on the movements in the course of a series of collecting, delivering, or recycling pertaining to industrial waste from end-of-life automobiles, etc.

- (i) collection operators not reporting or making a false report to an information management center in violation of the provisions of Article 81, paragraph (1) or paragraph (2).
- (ii) fluorocarbons recovery operators not reporting or making a false report to an information management center in violation of the provisions of Article 81, paragraph (3) or paragraph (6).
- (iii) dismantling operators not reporting or making a false report to an information management center in violation of the provisions of Article 81, paragraphs (7) through (9).
- (iv) shredding and sorting operators not reporting or making a false report to an information management center in violation of the provisions of Article 81, paragraphs (10) through (12).

(Opinion Hearings Concerning Licenses)

- Article 125 (1) The prefectural governor is to listen to the opinion of the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters on whether or not they have grounds (limited to the grounds falling under Article 62, paragraph (1), item (ii), (g), (h), or (j) pertaining to item (ii), (f); the same applies in the following paragraph and the following Article) falling under Article 62, paragraph (1), item (ii), (f) to (j), when the prefectural governor intends to give the license referred to in Article 60, paragraph (1) or Article 67, paragraph (1).
- (2) The prefectural governor may listen to the opinion of the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters on whether or not they have grounds falling under Article 62, paragraph (1), item (ii), (f) to (j), when the prefectural governor intends to impose disposition pursuant to the provisions of Article 66 (including as applied *mutatis mutandis* pursuant to the provisions of Article 72 following the deemed replacement of terms).

(Opinion to the Prefectural Governor)

- Article 126 If the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters finds that the prefectural governor needs to take appropriate measures against a dismantling operator or a shredding and sorting operator because they have appropriate reasons to suspect they have grounds falling under Article 62, paragraph (1), item (ii), (f) to (j) concerning the dismantling operator or shredding and sorting

operator, the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters may state their opinion to the prefectural governor.

(Inquiries to Relevant Administrative Organs)

Article 127 In addition to what is prescribed in Article 125, the prefectural governor may make an inquiry, or request cooperation from a relevant administrative organ or relevant local government regarding affairs pursuant to the provisions of this Act.

(Request for Re-examination)

Article 128 A person who is dissatisfied with the administrative determination on the request for examination for disposition (limited to that relating to the type-1 statutory entrusted functions prescribed in Article 135) imposed by the head of a city or a special ward in which a health center is established pursuant to the provisions of this Act, may request a re-examination to the competent minister.

(Obligations to Use Objects Obtained through Recycling)

Article 129 (1) A person who conducts business in which the objects obtained through recycling of end-of-life automobiles, dismantled automobiles, or specified parts for recycling can be utilized, must utilize them pursuant to the provisions of the Act on the Promotion of Effective Utilization of Resources (Act No. 48 of 1991).

(2) A person who conducts the business of manufacturing, processing, repairing, or selling automobiles must take measures to promote the recycling of the automobiles pertaining to the business which have become end-of-life automobiles, or dismantled automobiles and specified parts for recycling pertaining to the automobiles pursuant to the provisions of the Act on the Promotion of Effective Utilization of Resources.

(Collection of Reports)

Article 130 (1) The prefectural governor may have a related business operator report on the implementation status of the collection or delivery of end-of-life automobiles or dismantled automobiles, the delivery of specified parts for recycling, etc., or recycling of end-of-life automobiles or dismantled automobiles pursuant to the provisions of Cabinet Order to the extent necessary for the enforcement of this Act.

(2) The prefectural governor may have an information management center report the information recorded in its files to the extent necessary for the enforcement of this Act.

(3) To the extent necessary for the enforcement of this Act, the competent minister may have an automobile manufacturer, etc. or an entrustee (limited to those prescribed in Article 28, paragraph (2), item (ii); the same applies to paragraph (2) of the following Article) report on the implementation status of the collection or recycling, etc. of specified parts for recycling, etc. pursuant to the provisions of Cabinet Order.

(On-site Inspection)

Article 131 (1) The prefectural governor may have the officials enter the office, factory, workplace, or warehouse of a related business operator and inspect the books, documents, and other objects pursuant to the provisions of Cabinet Order to the extent necessary for the enforcement of this Act.

(2) The competent minister may have officials of the Ministry enter the office, factory, workplace, or warehouse of an automobile manufacturer, etc or an entrustee and inspect the books, documents, and other objects pursuant to the provisions of Cabinet Order to the extent necessary for the enforcement of this Act,.

(3) The officials of the Ministry who conducts on-site inspection pursuant to the provisions of the preceding two paragraphs must carry an identification card and present it to the person concerned.

(4) The authority granted for the on-site inspection pursuant to the provisions of paragraphs (1) and (2) must not be construed as the authorization for a criminal investigation.

(Opinion Hearings of the Council)

Article 132 When the competent minister specifies the standards referred to in Article 16, paragraph (2); Article 18, paragraph (1) or (5); or Article 25, paragraph (2), or make a decision on other important matters relating to the enforcement of this Act, the competent minister must listen to the opinions of the Industrial Structure Council and the Central Environment Council in advance.

(The Competent Minister)

Article 133 (1) The competent ministers in this Act are the Minister of Economy, Trade and Industry and the Minister of the Environment.

(2) Orders of the competent minister in this Act are orders issued by the Minister of Economy, Trade and Industry and the Minister of the Environment.

(Delegation of Authority)

Article 134 The authority of the competent minister under the provisions of Article 130, paragraph (3) and Article 131, paragraph (2) may be delegated to

the heads of local branch offices pursuant to the provisions of Cabinet Order.

(Type of Affairs)

Article 135 The functions among the affairs to be handled by a prefecture, or city or special ward having established a health center (hereinafter referred to as "prefectures, etc." in this Article) pursuant to the provisions of this Act, are type-1 statutory entrusted functions prescribed in the Local Autonomy Act (Act No. 67 of 1967), Article 2, paragraph (9), item (i).

(i) affairs to be handled by prefectures, etc. pursuant to the provisions of Article 60, paragraph (1); Article 61, paragraph (1); Article 62; Article 63, paragraph (1); Article 64 (including as applied mutatis mutandis pursuant to the provisions of Article 72); Article 66 (including as applied mutatis mutandis pursuant to the provisions of Article 72 following the deemed replacement of terms); Article 67, paragraph (1); Article 68, paragraph (1); Article 69 (including as applied mutatis mutandis pursuant to the provisions of Article 70, paragraph (2)); Article 70, paragraph (1); Article 71, paragraph (1); Article 88, paragraphs (4) through (6); Article 90, paragraphs (1) and (3); Article 125; and Article 126.

(ii) affairs (limited to those related to the enforcement of the provisions of Chapter 3, Sections 3 and 4; and Chapter 5) to be handled by prefectures, etc. pursuant to the provisions of Article 130, paragraphs (1) and (2) and Article 131, paragraph (1).

(Transitional Measures)

Article 136 In the case an order is established, revised or revoked according to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set up to the extent considered reasonable for the establishment, or revision or abolition.

### **Chapter VIII Penal Provisions**

Article 137 Any person entrusting to another person the transport of general waste from end-of-life automobiles in violation of the provisions of Article 122, paragraph (11) is punished by imprisonment with work not more than three years or a fine not more than 3,000,000 yen, or both.

Article 138 A person who falls under any of the following items is punished by imprisonment with work not more than one year or a fine not more than 500,000 yen.

(i) a person who conducts collection operations or fluorocarbons recovery without obtaining the registration referred to in Article 42, paragraph (1) or

Article 53, paragraph (1)

- (ii) a person who obtains the registration (including renewal of the registration referred to in Article 42, paragraph (2) or Article 53, paragraph (2)) of Article 42, paragraph (1) or Article 53, paragraph (1) by wrongful means
- (iii) a person who violates an order to suspend the business pursuant to the provisions of Article 51, paragraph (1); Article 58, paragraph (1); or Article 66 (including as applied mutatis mutandis pursuant to the provisions of Article 72 following the deemed replacement of terms)
- (iv) a person who carries out dismantling operations or shredding and sorting operations without obtaining the license referred to in Article 60, paragraph (1) or Article 67, paragraph (1)
- (v) a person who obtains the license (including renewal of the license set forth in Article 60, paragraph (2) or Article 67, paragraph (2)) of Article 60, paragraph (1) or Article 67, paragraph (1) by wrongful means
- (vi) a person who conducts a shredding and sorting operation in violation of the provisions of Article 70, paragraph (1)
- (vii) a person who violates the provisions of Article 118

Article 139 A person who falls under any of the following items is punished by a fine not more than 500,000 yen

- (i) a person who violates the provisions of Article 16, paragraph (5) (including as applied mutatis mutandis pursuant to the provisions of Article 18, paragraph (8))
- (ii) a person who violates an order pursuant to the provisions of Article 20, paragraph (3); Article 24, paragraph (3); Article 26, paragraph (4); Article 35, paragraph (2); Article 38, paragraph (2); or Article 90, paragraph (3) or (4)

Article 140 A person who falls under any of the following items is punished by a fine not more than 300,000 yen

- (i) a person who fails to keep the books, or fails to make entries or record the information in the books or makes false entries or records the false information in the books, or fails to retain the books in violation of the provisions of Article 27, paragraph (1)
- (ii) a person who fails to submit a notification or submits a false notification pursuant to the provisions of Article 46, paragraph (1); Article 48, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 59); Article 57, paragraph (1); Article 63, paragraph (1); Article 64 (including as applied mutatis mutandis pursuant to the provisions of Article 72); or Article 71, paragraph (1)
- (iii) a person who fails to make a report or makes a false report pursuant to the provisions of Article 130, paragraph (1) or (3)

- (iv) a person who refuses, obstruct, or challenges an inspection pursuant to the provisions of Article 131, paragraph (1) or (2)

Article 141 If an officer or a member of the deposit management corporation, the Designated Recycling Organization, or the information management center falls under any of the following items, the officer or the member responsible for the violation is punished by a fine not more than 300,000 yen.

- (i) when the all of the deposit management business, recycling business, etc., or information management business is discontinued without obtaining the approval referred to in Article 96 (including as applied mutatis mutandis pursuant to the provisions of Article 113 and Article 120 following the deemed replacement of terms).
- (ii) when the books are not kept, information which must be entered in the books or otherwise recorded are not entered or recorded, or false information or records are entered in the books or the books are not saved in violation of the provisions of Article 100 (including as applied mutatis mutandis pursuant to the provisions of Articles 113 and 120 following the deemed replacement of terms).
- (iii) when a person fails to make a report pursuant to the provisions of Article 102, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Articles 113 and 120 following the deemed replacement of terms) or makes a false report
- (iv) When a person refuses, obstructs or challenges an inspection under the provisions of Article 102, paragraph (1) (including as applied mutatis mutandis pursuant to Articles 113 and 120 following the deemed replacement of terms).

Article 142 When the representative of a juridical person, or the agent, employee, or other worker of a juridical person or individual engages in an act violating Article 137; Article 138, items (i) through (vi); Article 139; or Article 140 in relation to the business of that juridical person or individual, the responsible person is punished and the juridical person or individual is also punished by a fine as prescribed in the respective Articles.

Article 143 A person who falls under any of the following items is punished by a civil fine not more than 100,000 yen

- (i) a person who fails to provide an indication under the provisions of Article 36 or provides a false indication
- (ii) a person who fails to put up a sign under the provisions of Article 50 (including as applied mutatis mutandis pursuant to the provisions of Article 59) or Article 65 (including as applied mutatis mutandis pursuant to the

provisions of Article 72).

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the provisions of the following items come into effect on the day prescribed respectively in these items.

- (i) provisions of Article 22; Article 23, paragraph (4); Article 24; Articles 28 through 30; Articles 34 through 41; Chapter 3, Section 3 and Section 4 (excluding Article 65 (including as applied mutatis mutandis pursuant to the provisions of Article 72)); Article 73, paragraph (4) (limited to the part pertaining to the approval of information management fees), paragraph (5), paragraph (6) (limited to the part pertaining to the approval of fees), and paragraph (7); Article 78, paragraph (3) (limited to the part pertaining to the approval of charges); Article 79; Article 82, paragraph (3) and Article 85, paragraph (4) (limited to the part pertaining to the approval of charges prescribed therein); Article 122, paragraph (2), paragraph (3), and paragraphs (8) through (10) (limited to the part pertaining to dismantling operators and shredding and sorting operators); Article 123; Article 125; Article 126; Article 130, paragraph (1) and paragraph (3); Article 131; Article 134; Article 138, item (iii) (limited to the part pertaining to Article 66 (including as applied mutatis mutandis pursuant to the provisions of Article 72), and items (iv) through (vi); Article 139, item (ii) (limited to the part pertaining to Article 24, paragraph (3); Article 35, paragraph (2); and Article 38, paragraph (2)); Article 140, item (ii) (limited to the part pertaining to Article 63, paragraph (1); Article 64 (including as applied mutatis mutandis pursuant to the provisions of Article 72 following the deemed replacement of terms); and Article 71, paragraph (1)), items (iii) and (iv); Article 142; Article 143, item (i) as well as the supplementary provisions, Articles 5 through 7: day specified by Cabinet Order within a period not exceeding two years from the day of promulgation
- (ii) provisions of Articles 8 through 21; Article 23, paragraphs (1) through (3); Articles 25 through 27; Articles 31 through 33; Chapter 3, Section 1 and Section 2; Article 65 (including as applied mutatis mutandis pursuant to the provisions of Article 72); Article 73, paragraphs (1) through (3), paragraph 4 (excluding the part pertaining to the approval of information management fees), and paragraph (6) (excluding the part pertaining to the approval of fees); Articles 75 through 77; Article 78, paragraph (1), paragraph (2), and paragraph (3) (excluding the part pertaining to the approval of charges);



Chapter 5 (excluding Article 82, paragraph (3) and Article 85, paragraph (4) (limited to the part pertaining to the approval of charges prescribed therein)); Article 121; Article 122 (excluding paragraph (2), paragraph (3), and paragraphs (8) through (10) (limited to the part pertaining to dismantling operators and shredding and sorting operators)); Article 124; Article 130, paragraph (2); Article 137; Article 138, items (i), (ii), and (iii) (excluding the part pertaining to Article 66 (including as applied mutatis mutandis pursuant to the provisions of Article 72 following the deemed replacement of terms)); Article 139, items (i) and (ii) (excluding the part pertaining to Article 24, paragraph (3); Article 35, paragraph (2); and Article 38, paragraph (2)); Article 140, items (i) and (ii) (excluding the part pertaining to Article 63, paragraph (1); Article 64 (including as applied mutatis mutandis pursuant to the provisions of Article 72); and Article 71, paragraph (1)); and Article 143, item (ii) as well as the supplementary provisions, Article 3; Article 4; Article 8; Article 9; Article 15; Article 16; Article 18; and Article 19: the day specified by Cabinet Order within a period not exceeding two years and six months from the day of promulgation of the provisions

(iii) the provisions of Article 74 and Article 10 of the supplementary provisions: the day when one month has elapsed from the date on which the provisions of the preceding item comes into effect

(Application)

Article 2 The provisions of Articles 10 through 18, Articles 21 through 23, Articles 25 through 33, and Articles 81 through 89 apply to end-of-life automobiles delivered to a collection operator on or after the date on which the provisions of item (ii) of the preceding Article comes into effect.

(Transitional Measures for Registrations of Collection Operators)

Article 3 (1) When the provisions of the supplementary provisions comes into effect as referred to in Article 1, item 2, a person obtaining registration (hereinafter referred to as a "type II specified product collection operator of the Former Act on Fluorocarbons Recovery and Destruction" in this Article) by a prefectural governor (a mayor in the case of a city specified by Cabinet Order of the Former Act on Fluorocarbons Recovery and Destruction, referred to in Article 80, paragraph (4)) of the Act on Secure Implementation of Recovery and Destruction of Fluorocarbons for Specified Products (hereinafter referred to as the "Former Act on Fluorocarbons Recovery and Destruction") pertaining to specified products prior to amendment by the provisions of Article 18 of the supplementary provisions, is deemed to have obtained registration for the collection operator referred to in Article 42, paragraph (1) by the prefectural

governor (mayor or ward mayor in the case of a city or special ward having established a health center; the same applies to the following paragraph) having jurisdiction over the location of the place of business pertaining to the registration of a type II specified product collection operator of the Former Act on Fluorocarbons Recovery and Destruction.

- (2) With respect to a person deemed to have obtained the registration as a collection operator pursuant to the provisions of the preceding paragraph and deemed to have obtained two or more registrations from one prefectural governor pursuant to that provisions, two or more registrations are deemed to be one registration and the provisions of this Act are applied.
- (3) With regard to the application of the provisions of Article 42, paragraph (2) to a person deemed to have obtained the registration as a collection operator pursuant to the provisions of the preceding two paragraphs, the registration date of the type II specified product collection operator under the Former Act on Fluorocarbons Recovery and Destruction was obtained by that person (in the case of a person for which two or more registrations are deemed to be one registration pursuant to the provisions of the preceding paragraph, the date on which the registration of the two or more registrations was obtained first) is deemed to be the registration date of a collection operator under the provisions of Article 42, paragraph (1) was obtained.

(Transitional Measures for Registration of Fluorocarbons Recovery Operators)

- Article 4 (1) When enforcing the provisions of the supplementary provisions of Article 1, item (ii), a person having obtained the registration (hereinafter referred to as the "registration of a type II fluorocarbons recovery operator under the Former Act on Fluorocarbons Recovery and Destruction" in this Article) of a prefectural governor (a mayor in the case of a city specified by Cabinet Order of the Former Act on Fluorocarbons Recovery and Destruction under Article 80, paragraph (4)) of the Former Act on Fluorocarbons Recovery and Destruction under Article 29, paragraph (1) is deemed to have obtained the registration of a fluorocarbons recovery operator under Article 53, paragraph (1) by the prefectural governor (mayor or ward mayor in the case of a city or special ward having established a health center, the same applies hereinafter) having jurisdiction over the location of the place of business pertaining to the registration of a type II fluorocarbons recovery operator under the Former Act on Fluorocarbons Recovery and Destruction.
- (2) With respect to a person deemed to have obtained the registration of a fluorocarbons recovery operator pursuant to the provisions of the preceding paragraph and deemed to have obtained two or more registrations from one prefectural governor pursuant to the provisions, two or more registrations are deemed to be one registration and the provisions of this Act are applied.

- (3) With regard to the application of the provisions of Article 53, paragraph (2) to a person (excluding those prescribed in the following paragraph) deemed to have obtained the registration of a fluorocarbons recovery operator pursuant to the provisions of the preceding two paragraphs, the date (for a person for which two or more registrations are deemed to be one registration pursuant to the provisions of the preceding paragraph, the date on which the registration of the two or more registrations was obtained first) that person obtained the registration of the type II specified product collection operator under the Former Act on Fluorocarbons Recovery and Destruction is deemed to be the date on which the registration of the fluorocarbons recovery operator referred to in Article 53, paragraph (1) was obtained.
- (4) With respect to the application of the provisions of Article 53, paragraph (2) to a person deemed to have obtained the registration of a fluorocarbons recovery operator pursuant to the provisions of paragraphs (1) and (2), for which three months have not elapsed from the receipt date of the notification pursuant to the provisions of second sentence of Article 32, paragraph (7) of the Former Act on Fluorocarbons Recovery and Destruction (excluding those having obtained a renewal pursuant to the provisions of Article 12, paragraph (1) of the Former Act on Fluorocarbons Recovery and Destruction as applied mutatis mutandis pursuant to the provisions of Article 33, paragraph (1) of the Former Act on Fluorocarbons Recovery and Destruction following the deemed replacement of terms prior to amendment by the provisions of Article 1, item (ii) of Supplemental Provisions on or after the date on which the notification was received), the term "every five years" in Article 53, paragraph (2) is deemed to be replaced with "must renew the registration by the date when three months have elapsed from the day the notification was received pursuant to the provisions of second sentence of Article 32, paragraph (7) of the Act on Secure Implementation of Recovery and Destruction of Fluorocarbons for Specified Products, pertaining to specified products prior to amendment by the provisions of Article 18 of Supplemental Provisions, and in every five years from the date of the renewal".

(Transitional Measures for Licenses of Dismantling Operations)

Article 5 (1) When enforcing the provisions of Article 1, item (i) of the supplementary provisions, a person having obtained the license referred to in Article 7, paragraph (1) or paragraph (6); Article 7-2, paragraph (1); Article 14, paragraph (1) or paragraph (6); or Article 14-2, paragraph (1) of the Waste Management Act and conducts the business falling under dismantling operation may continue the business for three months from the enforcement date of the provisions of the same item notwithstanding the provisions of Article 60, paragraph (1).

- (2) A person prescribed in the preceding paragraph is deemed to have obtained the license referred to in Article 60, paragraph (1) for a dismantling operation on the enforcement date of the provisions of Article 1, item (i) of the supplementary provisions when a written notice containing the information prescribed in the items of Article 61, paragraph (1) pertaining to the business is submitted to the prefectural governor within the period prescribed in that paragraph.
- (3) When enforcing the provisions of Article 1, item (i) of the supplementary provisions, a person who currently conducting business that falls under a dismantling operation (excluding those prescribed in paragraph (1)) may continue the business during the period until the date (in the case where that person submitted the request for registration referred to in Article 61, paragraph (1) before that date; the day on which the license referred to in Article 60, paragraph (1) is issued or notification under the provisions of Article 62, paragraph (2) is received) when three months have elapsed from the enforcement date of the provisions of Article 1, item (i) of the supplementary provisions, notwithstanding the provision of Article 60, paragraph (1).
- (4) In the case where a person may continue business that falls under a dismantling operation pursuant to the provisions of the preceding paragraph, the person is deemed as a dismantling operator having received the notification from the prefectural governor having jurisdiction over the location of the place of business where the business is conducted, and the provisions of this Act (excluding Article 65) are applied.
- (5) With respect to the application of the provisions of Article 7, paragraph (14) and Article 14, paragraph (14) of the Waste Management Act, dismantling operators are deemed as general waste collectors and transporters, general waste disposal operators, industrial waste disposal collectors and transporters, or industrial waste disposal operators during the period from the enforcement date of the provisions of Article 1, Item (i) of the supplementary provisions, until the day before the enforcement of the provisions of Article 1, item (ii) of the supplementary provisions.

(Transitional Measures for Licenses of Shredding and Sorting Operations)

- Article 6 (1) When enforcing the provisions of Article 1, item (i) of the supplementary provisions, a person having obtained the license referred to in Article 14, paragraph (6) or Article 14-2, paragraph (1) of the Waste Management Act, and conducting the business falling under a shredding and sorting operation may continue the business for three months from the enforcement of the provisions of Article 1, item (i) of the supplementary provisions, notwithstanding the provisions of Article 67, paragraph (1).
- (2) A person prescribed in the preceding paragraph is deemed to have obtained

the license set forth in Article 67, paragraph (1) for a shredding and sorting operation on the enforcement date of the provisions of Article 1, item (i) of the supplementary provisions, when a notice providing the information prescribed in each item of Article 68, paragraph (1) pertaining to the business is submitted to the prefectural governor within the period prescribed in that paragraph.

- (3) A person conducting business falling under a shredding and sorting operation on the date on which the provisions of Article 1, item (i) of the supplementary provisions comes into effect (excluding those prescribed in paragraph (1)) may continue the business during the next three months (in the case where the person submitted the request for registration set forth in Article 68, paragraph (1) before that date; the date on which the license referred to in Article 67, paragraph (1) is issued or notification under the provisions of Article 69, paragraph (2) is received), notwithstanding the provision of Article 67, paragraph (1).
- (4) In the case where a person may continue the business falling under a shredding and sorting operation pursuant to the provisions of the preceding paragraph, the person is deemed as a shredding and sorting operator having received license from the prefectural governor having jurisdiction over the location of the place of business where the business is carried out, and the provisions of this Act (excluding Article 65 as applied *mutatis mutandis* pursuant to the provisions of Article 72) are applied.
- (5) With regard to the application of the provisions of Article 14, paragraph (14) of the Waste Management Act, shredding and sorting operators are deemed as industrial waste disposal collectors and transporters or industrial waste disposal operators during the period from the enforcement date of the provisions of Article 1, item (i) of the supplementary provisions, to the day before the enforcement of the provisions of Article 1, item (ii) of the supplementary provisions.

(Transitional Measures for Publication of Recycling Fees)

Article 7 With regard to the application of the provisions of Article 34, paragraph (1) and Article 108, paragraph (1) to the automobiles sold before the enforcement of the provisions of Article 1, item (ii) of the supplementary provisions, the terms "by the time these are sold" in Article 34, paragraph (1) and "beforehand" in Article 108, paragraph (1) are deemed to be replaced with "by the enforcement date of the provisions of the supplementary provisions referred to in Article 1, item (ii).

(Transitional Measures for Deposits, Including Recycling Deposit)

Article 8 (1) With regard to the application of the provisions of Article 73,

paragraph (1) to automobiles for which the first registration in the automobile registration file or the first issuance of a vehicle inspection certificate has been received before the date when one month has elapsed from the enforcement date of the provisions of the supplementary provisions referred to in Article 1, item (ii) (hereinafter referred to as the "base date") except in the case of application of the provisions to the following paragraph, the term "until the first registration in the vehicle registration file (hereinafter referred to as the registration in the automobile registration file according to the provisions of Article 4 of the Road Transport Vehicle Act; the same applies hereinafter) has been obtained (for a light automobile (excluding those not subject to the inspection prescribed in Article 58, paragraph (1) of the Road Transport Vehicle Act) prescribed in Article 3 of the Road Transport Vehicle Act, when the automobile receives the first certificate (hereinafter referred to as an automobile inspection certificate issued pursuant to the provisions of Article 60, paragraph (1) or Article 71, paragraph (4) of the Road Transport Vehicle Act) of an automobile inspection certificate, for a light automobile not subject to the inspection prescribed in Article 58, paragraph (1) of the Road Transport Vehicle Act, when the automobile obtains the first vehicle number (hereinafter referred to as designation of a vehicle number under the provisions of Article 97-3, paragraph (1) of the Road Transport Vehicle Act)" is deemed to be replaced with "until the first automobile inspection certificate is returned after the base date (for an automobile having obtained the first registration in the automobile registration file or the first issuance of an automobile inspection certificate on or after the base date before the vehicle inspection certificate is returned, when the registration in the automobile registration file or issuance of the automobile inspection certificate is obtained".

- (2) With respect to the application of the provisions of Article 73, paragraph (1) in the case where an automobile having obtained the first registration in the automobile registration file or the first vehicle inspection certificate before the base date is issued to a collection operator of end-of-life automobiles before the first automobile inspection certificate is returned, or receipt of the first registration in the automobile registration file or the issuance of the first automobile inspection certificate on or after the base date, the term "until the first registration in the automobile registration file (hereinafter referred to as the registration in the automobile registration file under the provisions of Article 4 of the Road Transport Vehicle Act; the same applies hereinafter) has been obtained (for a light automobile (excluding those not subject to the inspection prescribed in Article 58, paragraph (1) of the Road Transport Vehicle Act) prescribed in Article 3 of the Road Transport Vehicle Act, when the automobile receives the first certificate (meaning an issuance of a vehicle inspection certificate under the provisions of Article 60, paragraph (1) or

Article 71, paragraph (4) of the Road Transport Vehicle Act; the same applies hereinafter) of an automobile inspection certificate, for a light automobile not subject to the inspection prescribed in Article 58, paragraph (1) of the Road Transport Vehicle Act, when the automobile obtains the first designation of a vehicle number (meaning designation of a vehicle number under the provisions of Article 97-3, paragraph (1) of the Road Transport Vehicle Act; the same applies hereinafter) is deemed to be replaced with "until the automobile is delivered to a collection operator of end-of-life automobiles".

Article 9 With regard to the application of the provisions of Article 73, paragraph (2) to automobiles having obtained the first registration in the automobile registration file or the first issuance of the automobile inspection certificate before the base date, the term "after obtaining the first registration in the automobile registration file, the first issuance of a vehicle inspection certificate, or the first designation of a vehicle number prescribed in the preceding paragraph" in Article 73, paragraph (2)" is deemed to be replaced with "after the first vehicle inspection certificate is returned, or the first registration in the automobile registration file, or the first issuance of a vehicle inspection certificate after the base date".

(Transitional Measures for Presentation of Deposit Certificate)

Article 10 (1) A person seeking the return of a vehicle inspection certificate, registration in the automobile registration file, or issuance of an automobile inspection certificate during the period from the base date to the date when three years have elapsed for an automobile having obtained a first registration in the automobile registration file or first issuance of the first automobile inspection certificate on or before the base date must present a deposit certificate to the Minister of Land, Infrastructure, Transport and Tourism, etc. (2) When a deposit certificate is not presented, the Minister of Land, Infrastructure, Transport and Tourism, etc. does not return the automobile inspection certificate, register it in the automobile registration file, or issue the automobile inspection certificate referred to in the preceding paragraph.

(Transitional Measures for Affairs Handled by the Mayor of a Special Ward)

Article 11 Among affairs that are managed and handled by the mayor of a special ward pursuant to the provisions of this Act, those specified by Cabinet Order are to be managed and handled by the Governor of Tokyo until otherwise provided for by law.

(Transitional Measures Concerning the Definition of the Destruction of Fluorocarbons)

Article 12 With regard to the application of the provisions of Article 2, paragraph (10) during the period from the date on which this Act comes into effect to the day before the enforcement of the provisions set forth in Article 1, item (ii), the term "Article 33, paragraph (3) in that paragraph" is deemed to be replaced with "Article 52, paragraph (2)".

(Review)

Article 13 The government is to conduct a review of the implementation status of this Act within five years after the enforcement of the supplementary provisions prescribed in Article 1, item (iii) and take necessary measures based on the results of the review.

(Transitional Measures for Penal Provisions)

Article 22 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act (these provisions for the provisions of the items of Article 1 of the supplementary provisions).

(Provisions Governed by Cabinet Order)

Article 23 Beyond what is set forth in Articles 2 through 12, Article 16, Article 19, and the preceding Article, the necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

### **Supplementary Provisions [Act No. 93 of June 18, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on December 1, 2003.

### **Supplementary Provisions [Act No. 55 of May 26, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order on or before December 31, 2005.

(Transitional Measures Concerning Penal Provisions)

Article 7 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of the proviso to Article 1 of the supplementary provisions.

(Provisions Governed by Cabinet Order)

Article 8 In addition to what is prescribed in Article 2 to the preceding Article of the supplementary provisions, the necessary transitional measures (including



those for penal provisions) for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 76 of June 2, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of enforcement of the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in paragraph (8) of the following Article, and Article 3, paragraph (8); Article 5, paragraphs (8), (16), and (21); Article 8, paragraph (3); and Article 13 of the Supplemental Provisions).

(Delegation to Cabinet Order)

Article 14 In addition to what is prescribed in Article 2 through preceding Article of the supplementary provisions, the necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

**Supplementary Provisions [Act No. 147 of December 1, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 154 of December 3, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within six months from the date of promulgation (hereinafter referred to as the "effective date").

(Validity of Dispositions)

Article 121 Dispositions, procedures, and other acts done pursuant to the provisions of the respective Acts (including orders under these Acts; hereinafter the same applies in this Article) prior to the enforcement of this Act, for which the provisions of the respective Acts amended by the relevant provisions, are deemed to have been done pursuant to the relevant provisions of the respective Acts amended by the relevant provisions, unless otherwise provided by these supplementary provisions.

(Transitional Measures for Penal Provisions)

Article 122 Prior laws continue to govern the application of penal provisions to

acts committed prior to the enforcement of this Act and acts governed by prior laws pursuant to the provisions of these supplementary provisions, and acts committed after the enforcement of this Act in cases where the provisions of these supplementary provisions remain in force pursuant to the provisions of these supplementary provisions.

(Other Transitional Measures Governed by Cabinet Order)

Article 123 In addition to what is provided for in the supplementary provisions, the necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 124 The government conducts a review of the implementation status of this Act within three years from the enforcement of this Act, and take necessary measures based on the results of the review, when the government finds it necessary.

### **Supplementary Provisions [Act No. 102 of October 21, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date on which the Postal Service Privatization Act comes into effect.

(Transitional Measures for Penal Provisions)

Article 117 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act, acts committed after the enforcement of this Act in the cases where prior laws continue to govern the application pursuant to the supplementary provisions, acts committed prior to the lapse of the provisions of Article 38-8 of the Former Postal Money Order Act (limited to the part pertaining to items (ii) and (iii)) which remain in force pursuant to the provisions of Article 9, paragraph (1) of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Article 70 of the Former Postal Money Transfer Act (limited to the part pertaining to items (ii) and (iii)) which remain in force pursuant to the provisions of Article 13, paragraph (1) of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Article 8 of the Former Act on the Entrustment of Postal Transfer Deposit and Contribution (limited to the part pertaining to item (ii)) which remain in force pursuant to the provisions of Article 27, paragraph (1) of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Article 70 of the

Former Public Corporation Act (limited to the part pertaining to item (ii)) which remain in force pursuant to the provisions of Article 39, paragraph (2) of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Articles 71 and 72 of the Former Public Corporation Act (limited to the part pertaining to item (xv)) which remain in force pursuant to the provisions of Article 42, paragraph (1) of the supplementary provisions even after the enforcement of this Act, and acts committed prior to the specified date pertaining to the postal savings bank prescribed in Article 104 of the Postal Service Privatization Act in the cases where the provisions of Article 2, paragraph (2) of the supplementary provisions is applicable.

### **Supplementary Provisions [Act No. 50 of June 2, 2006] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the date on which the Act on General Incorporated Associations and Incorporated Foundations comes into effect.

(Adjustment Provisions)

- (2) Where the date of enforcement of the Act to Amend the Penal Code, etc. to Respond to International and Organized Crimes and Advancement of Data Processing (Act No. of 2006) comes after the enforcement date, with regard to the application of the provisions of the appended table 62 of the Act on Punishment of Organized Crimes and Control of Crime Proceeds (Act No. 136 of 1999; referred to as the "Act on Punishment of Organized Crimes" in the following paragraph) for the period from the enforcement date to the day before the enforcement date specified in that Act, the term "crime under the provisions of Article 157 of the Intermediate Corporation Act (Act No. 49 of 2001) (Special Breach of Trust by Directors, etc.)" in item 62 is deemed to be replaced with "crime under the provisions of Article 334 of the Act on General Incorporated Associations and Incorporated Foundations (Act No. 48 of 2006) (crime of an aggregated breach of trust by directors, etc.)"
- (3) In addition to what is prescribed in the preceding paragraph, in the case referred to in that paragraph, with regard to the application of the provisions of the Act on Punishment of Organized Crimes during the period from the day before the enforcement date of the Act to Amend the Penal Code, etc. to Respond to International and Organized Crimes and Advancement of Data Processing, the crime under the provisions of Article 157 of the Former Intermediate Corporation Act (crime of an aggregated breach of trust by directors, etc.) in the cases where prior laws continue to govern or remains in force pursuant to the provisions of Article 457 are deemed as the crime set

forth in the appended table 62 of the Act on Punishment of Organized Crimes.