

# **Ministerial Order on the Procedure for Collection of Expenses Charged under the Provisions of Article 52 of the Act on Conservation of Endangered Species of Wild Fauna and Flora**

(Prime Minister's Office and Ministry of International Trade and Industry Order  
No. 1 of March 29, 1993)

Pursuant to the provisions of Article 52, paragraphs (1) through (3) of the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992), and for the purpose of giving effect to the same Act, an order on the procedure for collection of expenses charged under the provisions of Article 52 of the Act on Conservation of Endangered Species of Wild Fauna and Flora is issued as follows.

**Article 1** If the Minister of the Environment intends to charge expenses to a person under the provisions of Article 11, paragraph (2), Article 14, paragraph (2) or Article 40, paragraph (3) of the Act on Conservation of Endangered Species of Wild Fauna and Flora (hereinafter referred to as the "Act") or if the Minister of Economy, Trade and Industry, etc. intends to charge expenses to a person under the provisions of Article 16, paragraph (3) of the Act, the relevant minister or minister, etc. must hear the person's opinion.

**Article 2** The amount of expenses that may be ordered by the Minister of the Environment to be paid pursuant to the provisions of Article 52, paragraph (1) of the Act is to be the amount of expenses actually incurred and is to be paid no later than the date which is specified in the applicable item, depending on which of the cases set forth in the following items applies:

- (i) if the minister intends to charge expenses under the provisions of Article 11, paragraph (2) of the Act: the day on which a reasonable period has elapsed since the date on which the Minister of the Environment transferred the live individual of a nationally rare species of wild fauna and /flora, etc. or took other necessary measures under those provisions;
- (ii) if the minister intends to charge expenses under the provisions of Article 14, paragraph (2) of the Act: the day on which a reasonable period has elapsed since the date on which the Minister of the Environment transferred the individual, etc. of a rare species of wild fauna and flora or took other necessary measures under those provisions;
- (iii) if the minister intends to charge expenses under the provisions of Article 40, paragraph (3) of the Act: the day on which a reasonable period has

elapsed since the date on which the Minister of the Environment restored the habitat to the original condition or took other necessary measures under those provisions.

Article 3 The amount of expenses to be ordered by the Minister of Economy, Trade and Industry, etc. to be paid pursuant to the provisions of Article 52, paragraph (1) of the Act is to be the amount of expenses actually incurred and is to be paid no later than the day on which a reasonable period has elapsed since the date on which the Minister of Economy, Trade and Industry, etc. returned the individual, etc. under the provisions of Article 16, paragraph (3) of the Act.

Article 4 The due date to be specified in a demand letter by the Minister of the Environment or the Minister of Economy, Trade and Industry, etc. pursuant to the provisions of Article 52, paragraph (2) of the Act must be no earlier than ten days after the date on which the demand letter is issued.

Article 5 The amount of penal interest to be collected by the Minister of the Environment or the Minister of Economy, Trade and Industry, etc. pursuant to the provisions of Article 52, paragraph (3) of the Act is to be the amount calculated by multiplying the amount of expenses charged by 10.75 percent per annum.

Article 6 Identification as referred to in Article 19, paragraph (2) of the Act is as shown in the Appended Form.

### **Supplementary Provisions**

This Order comes into effect as of the date on which the Act comes into effect (April 1, 1993).

### **Supplementary Provisions [June 14, 1995, Prime Minister's Office, Ministry of International Trade and Industry, Order No. 1]**

This Order comes into effect as of the date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 52 of 1994) comes into effect (June 28, 1995).

### **Supplementary Provisions [August 14, 2000, Prime Minister's Office, Ministry of International Trade and Industry, Order No. 9]**

This Order comes into effect as of the date on which the Act Partially Amending the Cabinet Act (Act No. 88 of 1999) comes into effect (January 6, 2001).

**Supplementary Provisions [July 17, 2003, Ministry of Economy, Trade and Industry and Ministry of the Environment, Order No. 4 Excerpts]  
[Extract]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora comes into effect (July 20, 2003).

(Transitional Measures)

Article 4 Identification which is in the form shown in the Appended Form of the Ministerial Order on the Procedure for Collection of Expenses Charged under the Provisions of Article 52 of the Act on Conservation of Endangered Species of Wild Fauna and Flora prior to amendment by Article 2 and which has actually been issued at the time this Ministerial Order comes into effect is deemed to be in the form specified by the Ministerial Order on the Procedure for Collection of Expenses Charged under the Provisions of Article 52 of the Act on Conservation of Endangered Species of Wild Fauna and Flora amended by the provisions of the same Article.

**Supplementary Provisions [April 20, 2007, Ministry of Economy, Trade and Industry and Ministry of the Environment, Order No. 7]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date of promulgation.

(Transitional Measures)

Article 2 (1) Any document which is used in the form specified by the Ministerial Order on the Procedure for Collection of Expenses Charged under the Provisions of Article 52 of the Act on Conservation of Endangered Species of Wild Fauna and Flora prior to amendment by Article 2 (referred to as the "former form" in the following paragraph) and which actually exists at the time this Ministerial Order comes into effect is deemed to be in the form specified by the Ministerial Order on the Procedure for Collection of Expenses Charged under the Provisions of Article 52 of the Act on Conservation of Endangered Species of Wild Fauna and Flora amended by this Ministerial Order.

(2) By making amendments thereto, forms which have been prepared in the

former form and actually exist at the time this Ministerial Order comes into effect may, continue to be used after this Ministerial Order comes into effect until otherwise provided for by law.

**Supplementary Provisions [May 30, 2014, Ministry of Economy, Trade and Industry and Ministry of the Environment, Order No. 5]**

This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 37 of 2013) comes into effect (June 1, 2014).

**Supplementary Provisions [April 3, 2018, Ministry of Economy, Trade and Industry and Ministry of the Environment, Order No. 3]**

(Effective Date)

(1) This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora comes into effect (June 1, 2018).

(Transitional Measures)

(2) Any certificate which is in the form shown in the Appended Form prior to amendment by this Ministerial Order and actually exists at the time this Ministerial Order comes into effect is deemed to be in the form shown in the Appended Form amended by this Ministerial Order.

**Supplementary Provisions [June 17, 2019, Ministry of Economy, Trade and Industry and Ministry of the Environment, Order No. 1]**

This Ministerial Order comes into effect as of July 1, 2019.

Appended Form Omitted