

Ministerial Order on Notification of Specified National Species Business

(Prime Minister's Office and Ministry of Agriculture, Forestry and Fisheries
Order No. 1 of March 29, 1993)

Pursuant to the provisions of Article 10, paragraph (3), (6) through (8), and (10), Article 30, paragraph (1), item (iv) and paragraph (4), and Article 31, paragraph (2) of the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992) as applied mutatis mutandis pursuant to Article 10, paragraph (11) of the same Act, and for the purpose of giving effect to the same Act, an order regarding the procedure, etc. for permitting capture in connection with specified businesses is issued as follows.

(Definitions)

Article 1 Terms used in this Ministerial Order have the same meanings as those used in the Act on Conservation of Endangered Species of Wild Fauna and Flora (hereinafter referred to as the "Act").

(Notification of a Specified National Species Business)

Article 2 (1) The information specified by Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order as prescribed in Article 30, paragraph (1), item (iv) of the Act is that set forth in the following items:

- (i) intended date of commencement of transfer or delivery services;
- (ii) if the specified national species business intends to reproduce specified class I nationally rare species of wild fauna and flora, etc., the following information:
 - (a) location, size, and structure of the reproduction facility;
 - (b) name and reproduction-related background of persons who will engage in reproduction;
 - (c) reproduction methods and plans.

(2) Notification under the provisions of Article 30, paragraph (1) of the Act is to be made by submitting a written notification giving the information specified in Article 30, paragraph (1), items (i) through (iii) and the preceding paragraph.

(Method of Publication of Information on Notifications)

Article 3 Publication under the provisions of Article 30, paragraph (3) of the Act is to be made by using the Internet or by any other appropriate means.

(Information to be Publicized)

Article 4 The information specified by Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order as prescribed in Article 30, paragraph (3) of the Act is that set forth in the following items:

- (i) in the case of a corporation, the name of its representative;
- (ii) name and location of the facility conducting the transferring or delivering of specified class I nationally rare species of wild fauna and flora, etc.;
- (iii) the specified class I nationally rare species of wild fauna and flora to be transferred or delivered;
- (iv) date of notification of the specified national species business.

(Notification of Changes in Specified National Species Business)

Article 5 (1) Notification of change under the provisions of Article 30, paragraph (4) of the Act is to be made by submitting a written notification giving the information set forth in the following items.

- (i) name and address of the notifier and, in the case of a corporation, the name of its representative;
- (ii) name and location of the facility conducting the transferring or delivering of specified class I nationally rare species of wild fauna and flora, etc.;
- (iii) date of notification of the specified national species business and the entity which received the notification;
- (iv) specified class I nationally rare species of wild fauna and flora to be transferred or delivered;
- (v) number assigned to the notification as notified pursuant to the provisions of Article 30, paragraph (3) of the Act (referred to as the "notification number" in item (v) of the following paragraph);
- (vi) particulars changed;
- (vii) date of the change;
- (viii) reason for the change.

(2) Notification of discontinuation under the provisions of Article 30, paragraph (4) of the Act is to be made by submitting a written notification giving the information set forth in the following items:

- (i) name and address of the notifier and, in the case of a corporation, the name of its representative;
- (ii) name and location of the facility conducting the transferring or delivering of specified class I nationally rare species of wild fauna and flora, etc.;
- (iii) date of notification of the specified national species business and the entity which received the notification;
- (iv) specified class I nationally rare species of wild fauna and flora to be transferred or delivered;
- (v) notification number;
- (vi) date of discontinuation;

(vii) quantities of the specified class I nationally rare species of wild fauna and flora, etc. in the actual possession of the notifier at the time of discontinuation and how they were disposed of.

(Retention of Documents)

Article 6 If a person that has made notification under the provisions of Article 30, paragraph (1) of the Act conducting a specified national species business receives a transfer or delivery of a specified class I nationally rare species of wild fauna and flora, etc., the person must document the information confirmed or collected pursuant to the provisions of Article 31, paragraph (1) of the Act and must retain that documentation for a period of five years.

(Retention by Electronic or Magnetic Means)

Article 7 (1) If the information required to be documented pursuant to the provisions of Article 31, paragraph (2) of the Act is recorded by electronic or magnetic means (meaning any electronic or magnetic means or other means that cannot be recognized by human perception) and if the record is kept so that it can immediately be displayed using a computer or any other equipment, then that record may be kept instead of keeping documents which contain the information prescribed in the same paragraph.

(2) If the required information is maintained pursuant to the provisions of the preceding paragraph, efforts must be made to maintain the standards specified by the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries.

(Manner of Displaying or Advertising)

Article 8 Any display or advertising referred to in Article 31, paragraph (3) of the Act is to be made available to the public in a conspicuous manner.

(Information to Be Displayed)

Article 9 The information specified by Ministry of the Environment Order or Ministry of Agriculture, Forestry and Fisheries Order as prescribed in Article 31, paragraph (3) of the Act is that set forth in the following items:

- (i) name and address of the notifier and, in the case of a corporation, the name of its representative;
- (ii) the specified class I nationally rare species of wild fauna and flora to be transferred or delivered;

(Form of the Identification Referred to in Article 33, Paragraph (3) of the Act)

Article 10 The form of the identification referred to in Article 33, paragraph (3) 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 [Prime Minister's Office and Ministry of Agriculture, Forestry and Fisheries Order No. 1 of June 14, 1995]

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 [Prime Minister's Office and Ministry of Agriculture, Forestry and Fisheries Order No. 1 of April 28, 1998]

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

Supplementary Provisions [Prime Minister's Office and Ministry of Agriculture, Forestry and Fisheries Order No. 1 of February 8, 2000]

This Order comes into effect as of April 1, 2000.

Supplementary Provisions [Prime Minister's Office and Ministry of Agriculture, Forestry and Fisheries Order No. 4 of August 14, 2000]

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 [Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment Order No. 7 of July 17, 2003]

(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 2 Any certificate which is in the form shown in the Appended Form of the Ministerial Order on Notification of Specified National Species Business prior

to amendment by this Ministerial Order 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 Notification of Specified National Species Business amended by this Ministerial Order.

Supplementary Provisions [Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment Order No. 3 of April 20, 2007]

(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 Notification of Specified National Species Business prior to amendment by this Ministerial Order (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 Notification of Specified National Species Business amended by this Ministerial Order.

(2) Forms which have been prepared in the former format and actually exist at the time this Ministerial Order comes into effect may, by making amendments thereto, continue to be used after this Ministerial Order comes into effect until otherwise provided for by law.

Supplementary Provisions [Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment Order No. 1 of February 19, 2018]

(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 format 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 format shown in the Appended Form amended by this Ministerial Order.

Supplementary Provisions [Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment Order No. 1 of June 17, 2019]

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

Appended Form Omitted