

# High Pressure Gas Safety Act

(Act No. 204 of June 7, 1951)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to regulate the production, storage, sale, transportation, and other matters related to the handling of high pressure gases, and their consumption as well as the manufacture and handling of their containers, and to encourage voluntary activities by private businesses and the High Pressure Gas Safety Institute of Japan for the safety of high pressure gases with the aim of securing public safety by preventing disasters caused by high pressure gases.

(Definitions)

Article 2 The term "high pressure gas" as used in this Act means any gas that falls under any of the following items:

- (i) Compressed gas, for which the pressure (meaning gauge; the same applies hereinafter) is not less than 1 megapascal at its normal operating temperature and which is currently not less than 1 megapascal, or compressed gas, for which the pressure is not less than 1 megapascal at a temperature of 35 degrees Celsius (except compressed acetylene gas in both cases);
- (ii) Compressed acetylene gas, for which the pressure is not less than 0.2 megapascal at its normal operating temperature and which is currently not less than 0.2 megapascal, or compressed acetylene gas, for which the pressure is not less than 0.2 megapascal at a temperature of 15 degrees Celsius;
- (iii) Liquefied gas, for which the pressure is not less than 0.2 megapascal at its normal operating temperature and which is currently not less than 0.2 megapascal, or liquefied gas, the temperature of which is 35 degrees Celsius or less in the case that the pressure is 0.2 megapascal; or
- (iv) Beyond what is listed in the preceding item, those liquefied gases, for which the pressure exceeds zero Pascal at a temperature of 35 degrees Celsius, and which, inclusive of liquefied hydrogen cyanide and liquefied methyl-bromide, are specified by a Cabinet Order.

(Exemptions)

Article 3 (1) The provisions of this Act do not apply to high pressure gases listed in any of the following items:

- (i) High pressure steam in high pressure boilers and the piping therefor;
- (ii) High pressure gas in air-conditioners of railroad vehicles;
- (iii) High pressure gas within ships to which the provisions of paragraph (1) of Article 2 of the Ship Safety Act (Act No. 11 of 1933) apply, within ships used by the Ground Self-Defense Force (including amphibious vehicles), and

- within ships used by the Maritime Self-Defense Force;
- (iv) High pressure gas within facilities (limited to those facilities specified by a Cabinet Order) which are located in a mine under paragraph (2) of Article 2 of the Mine Safety Act (Act No. 70 of 1949) and are used for mining work in such mine;
  - (v) High pressure gas within aircraft under paragraph (1) of Article 2 of the Civil Aeronautics Act (Act No. 231 of 1952);
  - (vi) High pressure gas within electric facilities (limited to those facilities specified by a Cabinet Order) under item (xviii) of paragraph (1) of Article 2 of the Electricity Business Act (Act No. 170 of 1964);
  - (vii) High pressure gas within nuclear reactors and auxiliary facilities under paragraph (4) of Article 2 of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 166 of 1957); and
  - (viii) Other high pressure gases specified by a Cabinet Order which have no risk of causing or disasters.
- (2) The provisions of Articles 40 to 56-2-2 and Articles 60 to 63 do not apply to containers with an internal volume of 1 deciliter or less or to containers to be used without airtight sealing.

(Application to the National Government)

Article 4 The provisions of this Act, except those of Article 73 and Chapter VI, apply to the National Government. In this case, the term "permission" or "authorization" whenever appearing herein is deemed to be replaced with "approval".

## **Chapter II Business**

(Permission for Production)

Article 5 (1) Any person who falls under any of the following items must obtain the permission of the prefectural governor for each place of business:

- (i) A person who intends to produce high pressure gas (including the filling of containers; the same applies hereinafter) using equipment (excluding the equipment accredited under paragraph (2) of Article 56-7) that is capable of processing a gas by means of compression, liquefaction or some other means at a rate of not less than 100 cubic meters (in the case of the gas being a gas specified by a Cabinet Order, the relevant figure exceeding 100 cubic meters as specified by the Cabinet Order for each type of gas specified by such Cabinet Order) a day (converted to a state with a temperature of zero degrees Celsius and a pressure of zero Pascal; the same applies hereinafter) (except those persons who intend to produce high pressure gas for the purpose of refrigeration (including heating by the use of refrigeration

- equipment; the same applies hereinafter) and those persons who intend to fill the LPG referred to in paragraph (1) of Article 2 of the Act on the Securing of Safety and the Optimization of Transaction of Liquefied Petroleum Gas (Act No. 149 of 1967; hereinafter referred to as "the LPG Act") into a supply facility referred to in paragraph (4) of Article 2 of the LPG Act); or
- (ii) A person who intends to produce high pressure gas within equipment with a refrigerating capacity of not less than 20 tons a day (or, in the case of the gas being a gas specified by a Cabinet Order, a value exceeding 20 tons as specified by a Cabinet Order for each of those gases specified in such Cabinet Order) by means of compressing or liquefying the gas in such equipment for the purpose of refrigeration (except the equipment accredited under paragraph (2) of Article 56-7).
- (2) Any person falling under any of the following items must notify the prefectural governor attaching a written statement describing the type of high pressure gas to be produced, the location, configuration, and equipment of the facilities for production and the method of production for each place of business no later than 20 days prior to the day specified in each of the items:
- (i) A person engaging in the business of producing high pressure gas (excluding those persons referred to in item (i) of the preceding paragraph, those persons producing high pressure gas for the purpose of refrigeration, and those persons filling the LPG referred to in paragraph (1) of the Article of the LPG Act into a supply facility referred to in paragraph (4) of Article 2 of the LPG Act): The date of commencement of business; or
- (ii) A person (excluding those persons referred to in the Cabinet Order referred to in item (ii) of the preceding paragraph) producing high pressure gas with equipment with a refrigerating capacity of not less than 3 tons a day (or, in the case of such gas being a gas specified by the item, a value exceeding 3 tons as specified by the Cabinet Order for each of those gases specified in such Cabinet Order) by means of compressing or liquefying the gas in such equipment for the purpose of refrigeration: The date of commencement of production.
- (3) The refrigerating capacity referred to in item (ii) of paragraph (1) and item (ii) of the preceding paragraph is to be calculated in accordance with the standards specified by Order of the Ministry of Economy, Trade and Industry.

## Article 6 Deletion

(Disqualification for Permission)

Article 7 Any person falling under any of the following items is to be disqualified for permission under paragraph (1) of Article 5:

- (i) A person whose previously obtained permission was revoked pursuant to the provisions of paragraph (1) of Article 38 and for whom two years have not passed from the date of revocation;
- (ii) A person who violated this Act or an order pursuant to this Act, was sentenced to punishment severer than a fine, and for whom two years have not passed from the date when such person completed or was relieved from the execution thereof;
- (iii) A person specified by Order of the Ministry of Economy, Trade and Industry as a person incapable of properly producing high pressure gas due to mental or physical disorder; or
- (iv) A corporation with officers engaged in business operations who fall under any of the preceding three items.

(Standards for Permission)

Article 8 When there is an application for permission under paragraph (1) of Article 5, the prefectural governor must examine the application and must give permission if they find that the application is in conformity with the requirements of all the following items:

- (i) The location, configuration, and equipment of the facilities for production (including storage and pipeline transportation incidental thereto; the same applies under this Article, the following Article, Article 11, paragraph (1) of Article 14, paragraphs (1) to (3) of Article 20, Article 20-2, Article 20-3, paragraph (1) of Article 21, paragraph (4) of Article 27-2, paragraph (1) of Article 27-3, paragraph (1) of Article 27-4, paragraph (10) of Article 32, paragraph (1) of Article 35, Article 35-2, paragraph (1) of Article 36, paragraph (1) of Article 38, items (i) and (ii) of Article 39, Article 39-6, paragraph (1) of Article 39-11, item (iv) of paragraph (1) of Article 39-12, paragraph (1) of Article 60, items (ii) and (iii) of Article 80 and item (ii) of Article 81) is to conform with the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) The method of production employed is to conform with the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (iii) There is no risk of the production interfering with the maintenance of public safety or the prevention of disasters.

(Revocation of Permission)

Article 9 If a person who obtained permission under paragraph (1) of Article 5 (hereinafter referred to as "Class 1 Producer") has, without justifiable grounds, failed to commence production within one year or has suspended production for an uninterrupted period of not less than one year, the prefectural governor

may revoke the permission therefor.

(Succession)

Article 10 (1) In the event there is an inheritance, merger, or split with respect to a Class 1 Producer (limited to the succession of the place of business of such Class 1 Producer for which such Class 1 Producer has obtained permission), the heir(s) (in case there are two or more heirs, if all of them have unanimously selected an heir to succeed such business, then such specific heir), the corporation surviving after the merger or newly organized by the merger, or the corporation succeeding to such place of business by split, shall succeed to the status of a Class 1 Producer.

(2) A person(s) who has (have) succeeded to the status of a Class 1 Producer pursuant to the provisions of the preceding paragraph must notify the prefectural governor of the succession without delay attaching a document certifying such fact.

Article 10-2 (1) When a person who is listed in any of the items of paragraph (2) of Article 5 (hereinafter referred to as "Class 2 Producer") transfers all of their business or in the event of the inheritance, merger or split succession of a Class 2 Producer (limited to transfer of all the business(es) of such Class 2 Producer), a person who has succeeded to all of the business(es) or the heir(s) (in case there are two or more heir(s), if all of them have unanimously selected an heir to succeed such business(es), then such specific heir) or the corporation surviving after the merger or newly organized by the merger or inheriting all of the business(es) by split succession, succeeds to the status of a Class 2 Producer pursuant to the provisions of this Act.

(2) A person(s) who has (have) succeeded to the status of a Class 2 Producer pursuant to the provisions of the preceding paragraph must notify the prefectural governor of the succession without delay attaching a document certifying such fact.

(Facilities for Production and Method of Production)

Article 11 (1) A Class 1 Producer must maintain the facilities for production so as to keep the location, configuration, and equipment of the facilities in conformity with the technical standards under item (i) of Article 8.

(2) A Class 1 Producer must produce high pressure gas in accordance with the technical standards under item (ii) of Article 8.

(3) When a prefectural governor finds that the facilities for production or the method of production of a Class 1 Producer are not in conformity with the technical standards under item (i) or (ii) of Article 8, they may order the Class 1 Producer to repair, alter or remove the facilities for production so as to

conform with such technical standards or to produce high pressure gas in accordance with such technical standards.

Article 12 (1) A Class 2 Producer shall maintain the facilities for production so as to keep the location, configuration, and equipment of the facilities in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(2) A Class 2 Producer must produce high pressure gas in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(3) When a prefectural governor finds that the facilities for production or the method of production of a Class 2 Producer are not in conformity with the technical standards under the preceding two paragraphs, they may order the Class 2 Producer to repair, alter or remove the facilities for production so as to conform with such technical standards, or to produce the high pressure gas in accordance with such technical standards.

Article 13 Beyond the provisions of the preceding two Articles, the production of high pressure gas must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(Change of Facilities for Production)

Article 14 (1) A Class 1 Producer who intends to implement any change in the location, configuration, or equipment of the facilities for production or who intends to change the type of high pressure gas to be produced or the method of production therefor must obtain the permission of the prefectural governor; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, configuration, or equipment of the facilities for production.

(2) When implementing such minor changes as specified in the proviso of the preceding paragraph, the Class 1 Producer must submit a notification report thereof to the prefectural governor without delay after the completion thereof.

(3) The provisions of Article 8 apply mutatis mutandis to permission under paragraph (1).

(4) A Class 2 Producer who intends to implement any changes in the location, configuration, or equipment of the facilities for production, or who intends to change the type of high pressure gas to be produced or the method of production therefor, must submit a notification report thereof to the prefectural governor in advance; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, configuration, or equipment of the

facilities for production.

(Storage)

Article 15 (1) The storage of high pressure gas must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to the high pressure gas stored by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5 of this Act; LPG referred to in paragraph (1) of Article 2 of the LPG Act stored by an LPG dealer specified in Article 6 of the LPG Act at a supply facility specified in paragraph (4) of Article 2, of the LPG Act or a storage facility specified in item (iii) of paragraph (2) of Article 3 of the LPG Act; or high pressure gas not exceeding the volume specified by Order of the Ministry of Economy, Trade and Industry.

(2) When a prefectural governor finds that the storage of high pressure gas by the owner or possessor of the storage place as provided for in paragraph (1) of the following Article or paragraph (1) of Article 17-2 is not in conformity with the technical standards under the preceding paragraph, they may order such owner or possessor to store the high pressure gas in accordance with the technical standards.

(Storage Place)

Article 16 (1) High pressure gas of not less than 300 cubic meters (if such gas is one of those types of gas specified by a Cabinet Order, the figure in excess of 300 cubic meters that is specified by the Cabinet Order for each type of gas to be specified by the Cabinet Order) in volume is to be stored in a storage place to be set up with the prior permission of the prefectural governor (hereinafter referred to as "Class 1 Storage Place"); provided, however, that this does not apply to the storage of high pressure gas by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5 or to the storage of the LPG referred to in paragraph (1) of Article 2 of the LPG Act at a supply facility specified in paragraph (4) of Article 2 of the LPG Act or a storage facility specified in item (iii) of paragraph (2) of Article 3 of the LPG Act by a LPG dealer specified in Article 6 of the LPG Act.

(2) When there is an application for permission set forth in the preceding paragraph, the prefectural governor must give permission if they find that the location, configuration, and equipment of the Class 1 Storage Place are in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(3) In the case referred to in paragraph (1), if the high pressure gas to be stored is liquefied gas, or liquefied gas and compressed gas, 10 kilograms of the liquefied gas is deemed to be 1 cubic meter in volume for the purpose of



application of the paragraph.

- Article 17 (1) The transfer or delivery of a Class 1 Storage Place caused the transferee or the person who received the transfer to succeed to the status of the person who was given permission to set up the Class 1 Storage Place.
- (2) The successor to the status of a person who was given permission to set up a Class 1 Storage Place under the provisions of the preceding paragraph must submit a notification of the succession to the prefectural governor without delay.

- Article 17-2 (1) High pressure gas of not less than 300 cubic meters in volume must be stored (excluding the case provided for in the main text of paragraph (1) of Article 16) at a storage place for which the installation has been notified to the prefectural governor in advance (hereinafter referred to as "Class 2 Storage Place"); provided, however, that this does not apply to the storage of high pressure gas by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5 or to the storage of the LPG referred to in paragraph (1) of Article 2 of the LPG Act at a supply facility provided in paragraph (4) of Article 2 of the LPG Act or a storage facility provided in item (iii) of paragraph (2) of Article 3 of the LPG Act by a LPG dealer provided in Article 6 of the LPG Act.
- (2) The provisions of paragraph (3) of Article 16 apply mutatis mutandis to the preceding paragraph.

- Article 18 (1) The owner or possessor of a Class 1 Storage Place must maintain the Class 1 Storage Place so as to keep its location, configuration, and equipment in conformity with the technical standards under paragraph (2) of Article 16.
- (2) The owner or possessor of a Class 2 Storage Place must maintain the Class 2 Storage Place so as to keep its location, configuration, and equipment in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When the prefectural governor finds that the location, configuration or equipment of a Class 1 Storage Place or Class 2 Storage Place is not in conformity with the technical standards under paragraph (2) of Article 16 or those specified in the preceding paragraphs, the prefectural governor may order the owner or possessor thereof to repair, alter, or relocate such Class 1 Storage Place or Class 2 Storage Place so as to conform with the technical standards.

- Article 19 (1) The owner or possessor of a Class 1 Storage Place who intends to

carry out construction work to make any change in the location, configuration, or equipment therefor must obtain the permission of the prefectural governor; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, configuration, or equipment of the Class 1 Storage Place.

- (2) When implementing such minor changes referred to in the proviso of the preceding paragraph, the owner or possessor of a Class 1 Storage Place must submit a notification report thereof to the prefectural governor without delay after the completion thereof.
- (3) The provisions of paragraph (2) of Article 16 apply mutatis mutandis to permission under paragraph (1).
- (4) The owner or possessor of a Class 2 Storage Place who intends to implement any change to the location, configuration, or equipment thereof must notify the prefectural governor of the intended change in advance; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, configuration, or equipment of the Class 2 Storage Place.

(Completion Inspection)

Article 20 (1) Upon completion of the setting up of facilities for the production of high pressure gas or of the setting up of a Class 1 Storage Place, the person who was given permission under paragraph (1) of Article 5 or paragraph (1) of Article 16 subjects such production facilities or Class 1 Storage Place to a completion inspection by the prefectural governor and must not use them until they are found to be in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16; provided, however, that this does not apply when the person has subjected the facilities for the production of high pressure gas or the Class 1 Storage Place to a completion inspection by the High Pressure Gas Safety Institute of Japan (hereinafter referred to as "the Institute") or an agency designated by the Minister of Economy, Trade and Industry (hereinafter referred to as "designated completion inspection agency") as specified by Order of the Ministry of Economy, Trade and Industry, and the facilities or Class 1 Storage Place are found to be in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16 and the person has so notified to the prefectural governor.

- (2) A person who received delivery of whole or a part of the facilities for production from a Class 1 Producer and has obtained permission under paragraph (1) of Article 5 is entitled to use the production facilities if the facilities have already undergone a completion inspection and been found to be in conformity with the technical standards under item (i) of Article 8, or if the Class 1 Producer had notified the records of the inspection in accordance with

the provisions of item (ii) of the following paragraph.

- (3) Upon completion of construction work to change the location, configuration, or equipment of facilities for the production of high pressure gas or a Class 1 Storage Place (excluding the type of work specified by Order of the Ministry of Economy, Trade and Industry; hereinafter referred to as "specified alteration work"), a person who has obtained permission under paragraph (1) of Article 14 or paragraph (1) of the preceding Article must subject such production facilities or Class 1 Storage Place to completion inspection by the prefectural governor and must not use them until they are found to be in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16; provided, however, that this does not apply in either of the following cases:
- (i) When the person has subjected the facilities for the production of high pressure gas or Class 1 Storage Place to completion inspection by the Institute or a designated completion inspection agency pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, and the facilities or Class 1 Storage Place are found to be in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16 and the person has so notified to the prefectural governor; or
  - (ii) When a person accredited by the Minister of Economy, Trade and Industry as being qualified to conduct completion inspection regarding the designated alteration work by themselves (hereinafter referred to as "Accredited Completion Inspection Executor") has already notified the records of inspection to the prefectural governor pursuant to the provisions of paragraph (1) of Article 39-11.
- (4) Upon conclusion of the completion inspection as provided for in the proviso of paragraph (1) or item (i) of the preceding paragraph, the Institute or a designated completion inspection agency must report the inspection results to the prefectural governor without delay.
- (5) The method of completion inspection to be conducted by the prefectural governor, the Institute, or a designated completion inspection agency, as referred to in paragraph (1) and paragraph (3) hereof, is specified by Order of the Ministry of Economy, Trade and Industry.

Article 20-2 A person who was given permission under paragraph (1) of Article 5 or paragraph (1) of Article 14 is not required to subject the facilities for the production of the following equipment to completion inspection under paragraph (1) or paragraph (3) of the preceding Article, if they undergo completion inspection by the prefectural governor, the Institute or a designated completion inspection agency as referred to in paragraph (1) or paragraph (3) of the preceding Article within the period specified by Order of the Ministry of Economy, Trade and Industry:

- (i) Equipment which has successfully passed the specified equipment inspection specified in paragraphs (1) to (3) of Article 56-3 and for which this fact may be confirmed by a specified equipment inspection certificate referred to in paragraph (1) of Article 56-4; or
- (ii) Equipment manufactured by a person who has registered as specified in paragraph (1) of Article 56-6-2 or paragraph (1) of Article 56-6-22 and for which this fact can be confirmed by the specified equipment standards conformity certificate referred to in paragraph (2) of Article 56-6-14 (including the when applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22).

Article 20-3 Regarding the equipment that has been accredited under paragraph (2) of Article 56-7, and for which the accreditation can be verified by a designated equipment accreditation certificate under paragraph (1) of Article 56-8, if a person who was given permission under paragraph (1) of Article 5 or paragraph (1) of Article 14 subjects the facilities for production of such equipment to the completion inspection under paragraph (1) or paragraph (3) of Article 20 conducted by the prefectural governor, the Institute, or a designated completion inspection agency, the person is not required to subject the equipment to the completion inspection under paragraph (1) or paragraph (3) of Article 20.

(Notification of Sales Business)

Article 20-4 A person who intends to engage in the business of selling high pressure gas (excluding the business of selling LPG as provided for in paragraph (3) of Article 2 of the LPG Act) must notify the prefectural governor of their intention, with a document describing the type of high pressure gas for sale and other documents specified by Order of the Ministry of Economy, Trade and Industry at least 20 days prior to the planned day of business commencement for each place of sales, provided, however, that this does not apply in either of the following cases:

- (i) When a Class 1 Producer provided for in item (i) of paragraph (1) of Article 5 intends to sell at their place of business high pressure gas they produced; or
- (ii) A person who is engaged in the business of selling high pressure gases, such as compressed oxygen for medical use, as specified by a Cabinet Order at a sale location where the storage quantity is always less than 5 cubic meters.

(Succession)

Article 20-4-2 (1) If a person who has made notification pursuant to the preceding Article (hereinafter referred to as "dealer") has transferred all of

their selling business so notified, or in the event of the inheritance, merger, or divided succession of a dealer (limited to transfer of all of their selling business so notified), a person who has succeeded to all of their business or the heir(s) (in case there are two or more heirs), if all of them have unanimously selected an heir to succeed to such business, then the specific heir) or the corporation that exists after the merger or is newly organized by the merger or is inheriting all of their business by divided succession is to succeed to the status of a dealer.

- (2) A person(s) who has (have) succeeded to the status of a dealer in accordance with the provisions of the preceding paragraph must submit a notification report of the succession to the prefectural governor without delay with a document certifying such fact.

(Duty of Adequate Information)

Article 20-5 (1) As specified by Order of the Ministry of Economy, Trade and Industry, a dealer or a person who is engaged in the business of selling pursuant to the provisions of item (i) of Article 20-4 (hereinafter referred to as "dealer, etc.") must inform a buyer of the high pressure gas which they intend to sell and which is specified by Order of the Ministry of Economy, Trade and Industry of the matters specified by Order of the Ministry of Economy, Trade and Industry as necessary to prevent the occurrence of accidents caused by the high pressure gas; provided, however, that this does not apply if the person buying the high pressure gas is a Class I Producer, a dealer, a specific high pressure gas consumer referred to in paragraph (2) of Article 24-2 or any other person specified by Order of the Ministry of Economy, Trade and Industry.

- (2) In the event a dealer, etc. fails to inform buyers as prescribed in the preceding paragraph or the method of informing is found to be inappropriate, the prefectural governor may issue a recommendation to the dealer, etc. to properly inform buyers in accordance with the provisions of the paragraph or to improve the method of informing buyers.
- (3) In the event a dealer, etc. does not follow the recommendation pursuant to the provisions set forth in the preceding paragraph, the prefectural governor may make public the failure on the part of the dealer, etc. to follow the recommendation.

(Sales Method)

Article 20-6 (1) A dealer, etc. must sell high pressure gas in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

- (2) In the event the sales method employed by a dealer, etc. is found to be inconsistent with the technical standards referred to in the preceding

paragraph, the prefectural governor may issue an order to the dealer, etc. to sell high pressure gas in accordance with the technical standards.

(Change of Type of High Pressure Gas for Sale)

Article 20-7 A dealer must notify any change of the type of high pressure gas they sell to the prefectural governor without delay.

(Notification of Abolition of Production)

Article 21 (1) Upon commencement or discontinuation of the production of high pressure gas, a Class 1 Producer must submit a notification report thereof to the prefectural governor without delay.

(2) Upon the discontinuation of the business of producing high pressure gas, a Class 2 Producer listed in item (i) of paragraph (2) of Article 5 must submit a notification report thereof to the prefectural governor without delay.

(3) Upon the discontinuation of the production of high pressure gas, a Class 2 Producer listed in item (ii) of paragraph (2) of Article 5 must submit a notification report thereof to the prefectural governor without delay.

(4) Upon the discontinuation of the use of a Class 1 Storage Place or Class 2 Storage Place, the owner or possessor thereof must submit a notification report of the discontinuation of the use of such facility to the prefectural governor without delay.

(5) Upon the discontinuation of the business of selling high pressure gas, a dealer must submit a notification report thereof to the prefectural governor without delay.

(Import Inspection)

Article 22 (1) Any person who has imported high pressure gas must not transport the gas and the container until they have the imported high pressure gas and the container undergo an import inspection by the prefectural governor and they have been verified as being in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "technical standards for import inspection" in this Article); provided, however, that this does not apply in the following cases:

(i) When the imported high pressure gas and the container therefor are subjected to import inspection to be conducted by the Institute or a person designated by the Minister of Economy, Trade and Industry (hereinafter referred to as "designated import inspection agency") as specified by Order of the Ministry of Economy, Trade and Industry and when they are verified as being in conformity with the technical standards for import inspection, and when this is notified to the prefectural governor;

(ii) When the high pressure gas is imported by unloading through pipeline from

- a ship;
- (iii) When the high pressure gas in shock-absorbers specified by Order of the Ministry of Economy, Trade and Industry is imported; or
  - (iv) Beyond what is listed in the preceding two items, cases specified by Order of the Ministry of Economy, Trade and Industry as having no risk of interfering with the maintenance of public safety and the prevention of disasters.
- (2) When the Institute or a designated import inspection agency has conducted the import inspection set forth in the preceding paragraph, it must report the results to the prefectural governor without delay.
  - (3) When the prefectural governor finds that the high pressure gas imported or the containers therefor do not conform with technical standards for import inspection, the prefectural governor may order such importer of the high pressure gas to dispose of the high pressure gas and the containers therefor or to take other necessary measures.
  - (4) The method of import inspection to be conducted by the prefectural governor, the Institute, or a designated import inspection agency in paragraph (1) is specified by Order of the Ministry of Economy, Trade and Industry.

(Transportation)

- Article 23 (1) In transporting high pressure gas, the necessary safety measures as specified by Order of the Ministry of Economy, Trade and Industry must be taken with respect to the containers therefor.
- (2) In transporting high pressure gas in a vehicle (meaning a road transportation vehicle provided for in paragraph (1) of Article 2 of the Road Transportation Vehicles Act (Act No. 185 of 1951)), the technical standards provided for by Order of the Ministry of Economy, Trade and Industry must be complied with as to the methods of loading and transportation.
  - (3) As for the pipeline transportation of high pressure gas, the pipeline must be installed and maintained in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to the pipeline transportation of high pressure gas as performed by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5.

(Setting-up of Household Use Equipment)

- Article 24 The work of setting up or changing the equipment for providing general consumers with compressed natural gas for their daily use (limited to the gas filled in a container with an internal volume of less than 120 liters and not less than 20 liters) must be undertaken in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(Consumption)

- Article 24-2 (1) In the event that any person consumes compressed monosilane, compressed diborane, liquefied arsine, or other high pressure gases specifically specified in a Cabinet Order as requiring special care for the prevention of accidents in their consumption, or liquid oxygen and other types of high pressure gases specifically specified in a Cabinet Order as requiring special care for the maintenance of public safety or the prevention of accidents with respect to the storage and consumption of a certain quantity of such gas(es) (all gases herein referred to are hereinafter collectively referred to as "specific high pressure gases"), the consumer (limited to anyone whose storage facilities of specific high pressure gases for consumption have a storage capacity not less than the quantity specified by a Cabinet Order for each type of specific high pressure gas or anyone who is supplied with such specific high pressure gas for consumption through a pipeline from a place of business other than those involved in the consumption of specific high pressure gas; the same applies hereinafter) must report to the prefectural governor of each place of business no later than 20 days prior to commencement of consumption, appending documents showing the type of specific high pressure gas to be consumed, the location, configuration and equipment of the facilities for consumption (including storage for consumption and pipeline transportation; the same applies hereinafter in this paragraph) and the method of consumption.
- (2) The provisions of Article 10-2 apply mutatis mutandis to a consumer of specific high pressure gases (hereinafter referred to as "specific high pressure gas consumer").

- Article 24-3 (1) A specific high pressure gas consumer must maintain the facilities for consumption (including storage for consumption and pipeline transportation; the same applies hereinafter) so as to keep the location, configuration, and equipment therefor in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.
- (2) A specific high pressure gas consumer must consume specific high pressure gases in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When the prefectural governor finds that the facilities for consumption or the method of consumption of a specific high pressure gas consumer are not in conformity with the technical standards under the preceding two paragraphs, they may order the specific high pressure gas consumer to repair, alter, or remove the facilities for consumption so as to conform with such technical standards or to consume the specific high pressure gases in accordance with such technical standards.



Article 24-4 (1) Any specific high pressure gas consumer who intends to implement any changes in the location, configuration, or equipment of the facilities for consumption or who intends to change the type of specific high pressure gases to be consumed or the method of consumption thereof must submit a report of such changes to the prefectural governor in advance; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, configuration, or equipment of the facilities for consumption.

(2) Upon the discontinuation of the consumption of specific high pressure gases, a specific high pressure gas consumer must submit a report thereof to the prefectural governor without delay.

Article 24-5 Beyond what is provided for in the preceding three Articles, the consumption of high pressure gases specified by Order of the Ministry of Economy, Trade and Industry must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry with respect to the place of consumption, quantity, and other methods of consumption.

(Disposal)

Article 25 The disposal of high pressure gases specified by Order of the Ministry of Economy, Trade and Industry must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry with respect to the place of disposal, quantity, and other methods of disposal.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 25-2 Beyond what is provided for in this Chapter, the procedure to be taken to obtain permission for production of high pressure gases, the procedure to be taken for completion inspection, and other necessary procedural matters for carrying out the provisions of this Chapter are prescribed by Order of the Ministry of Economy, Trade and Industry.

### **Chapter III Safety**

(Hazard Prevention Rule)

Article 26 (1) A Class 1 Producer must draw up a hazard prevention rule describing the items specified by Order of the Ministry of Economy, Trade and Industry and must submit a notification report thereof to the prefectural governor pursuant to the provisions of the Order of the Ministry of Economy,

Trade and Industry. The above notification is required likewise for any alteration being made to such hazard prevention rule.

- (2) If the prefectural governor deems it necessary for the maintenance of public safety or the prevention of occurrence of a disaster, they may order that the hazard prevention rule be amended.
- (3) A Class 1 Producer and their employees must observe the hazard prevention rule.
- (4) In the event a Class 1 Producer or their employees do not observe the hazard prevention rule, the prefectural governor may order or recommend the Class 1 Producer to observe the hazard prevention rule or to take necessary measures to make their employees observe the hazard prevention rule when the prefectural governor finds such measures necessary for the maintenance of public safety or the prevention of disasters.

(Safety Training)

Article 27 (1) A Class 1 Producer must prepare a safety training program for their employees.

- (2) If the prefectural governor deems it insufficient for the maintenance of public safety or the prevention of occurrence of a disaster, they may order that the safety training program in the preceding paragraph be amended.
- (3) A Class 1 Producer must conscientiously implement the safety training program.
- (4) Any Class 2 Producer, owner or possessor of a Class 1 Storage Place or Class 2 Storage Place, dealer, or specific high pressure gas consumer (referred to as "Class 2 Producer, etc." in the following paragraph) must provide their employees with safety training.
- (5) When the prefectural governor finds that a Class 1 Producer is not conscientiously implementing the safety training program, and finds it necessary for the maintenance of public safety or for the prevention of disasters to do so, or when they find that the safety training provided by a Class 2 Producer, etc. for employees is not sufficient for the maintenance of public safety or for the prevention of disasters, they may make a recommendation to the Class 1 Producer or Class 2 Producer, etc. to properly implement the safety training program or to provide safety training to employees or improve the contents or method of such safety training, respectively.
- (6) To help prevent accidents and disasters due to high pressure gas, the Institute must draw up guidelines for the preparation of the safety training program under paragraph (1) or for the provisions of the safety training under paragraph (4) for each type of high pressure gas and must make them public.

(Safety Controller, Safety Technical Manager, and Safety Worker)

Article 27-2 (1) The following persons must appoint a high pressure gas production safety controller (hereinafter referred to as "safety controller") for each place of business in accordance with Order of the Ministry of Economy, Trade and Industry and must assign them to duties as provided for in paragraph (1) of Article 32.

(i) A Class 1 Producer who is provided for under item (i) of paragraph (1) of Article 5 (except those otherwise specified by Order of the Ministry of Economy, Trade and Industry); or

(ii) A Class 2 Producer who is provided for under item (i) of paragraph (2) of Article 5 (except those whose daily production of high pressure gas does not exceed the volume specified by Order of the Ministry of Economy, Trade and Industry for each type of gas specified by Order of the Ministry of Economy, Trade and Industry or other persons specified by Order of the Ministry of Economy, Trade and Industry).

(2) The appointed safety controller must be a person who generally manages business at such place of business.

(3) For each place of business and in accordance with Order of the Ministry of Economy, Trade and Industry, a person referred to in item (i) or (ii) of paragraph (1) must appoint a high pressure gas production safety technical manager (hereinafter referred to as "safety technical manager") from among the holders of a high pressure gas production safety manager certificate (hereinafter referred to as "production safety manager certificate") who has experience in producing the high pressure gas(es) specified by Order of the Ministry of Economy, Trade and Industry and assign them to duties as prescribed by paragraph (2) of Article 32; provided, however, that this does not apply when the safety controller of the place of business is a holder of a production safety manager certificate as specified by Order of the Ministry of Economy, Trade and Industry and has experience of producing the high pressure gas(es) specified by Order of the Ministry of Economy, Trade and Industry in accordance with the place of business classification made by Order of the Ministry of Economy, Trade and Industry or when otherwise provided for in Order of the Ministry of Economy, Trade and Industry.

(4) For each division of the facilities for production as divided by Order of the Ministry of Economy, Trade and Industry and in accordance with Order of the Ministry of Economy, Trade and Industry, a person referred to in item (i) or (ii) of paragraph (1) must appoint high pressure gas production safety workers (hereinafter referred to as "safety workers") from among the holders of a production safety manager certificate who have experience in producing the high pressure gas(es) provided for in Order of the Ministry of Economy, Trade and Industry and assign them to duties as provided for in paragraph (3) of

Article 32.

- (5) Upon the appointment of a safety controller in accordance with the provisions of paragraph (1), a person referred to in item (i) or (ii) of the paragraph must submit a notification report thereof to the prefectural governor without delay. The above provisions are likewise applicable when dismissing the safety controller from their duties.
- (6) A person referred to in item (i) or (ii) of paragraph (1) must submit to the prefectural governor a notification report of the appointment or dismissal of a safety technical manager or safety workers in accordance with the provisions of paragraph (3) or (4) as specified by Order of the Ministry of Economy, Trade and Industry.
- (7) In accordance with Order of the Ministry of Economy, Trade and Industry, a person referred to in item (i) or (ii) of paragraph (1) must have their safety workers take training courses given by the Institute or a designated training agency under paragraph (3) of Article 31 on the prevention of high pressure gas accidents.

(Safety Chief and Safety Planning Promoter)

- Article 27-3 (1) For each division of the facilities for production as divided by Order of the Ministry of Economy, Trade and Industry and in accordance with Order of the Ministry of Economy, Trade and Industry, those Class 1 Producers referred to in item (i) of paragraph (1) of the preceding Article whose daily production of high pressure gas is not less than the volume provided for in Order of the Ministry of Economy, Trade and Industry for each type of gas provided for in Order of the Ministry of Economy, Trade and Industry must appoint a high pressure gas production safety chief (hereinafter referred to as "safety chief") from among the holders of a production safety manager certificate who have experience in producing high pressure gas(es) specified by Order of the Ministry of Economy, Trade and Industry and assign them to duties as provided for in paragraph (4) of Article 32.
- (2) For each place of business, a Class 1 Producer as provided for in the preceding paragraph must appoint a high pressure gas production safety planning promoter (hereinafter referred to as "safety planning promoter") from among those with such knowledge and experience of the safety of the production of high pressure gas specified by Order of the Ministry of Economy, Trade and Industry and assign them to duties as prescribed by paragraph (5) of Article 32.
  - (3) The provisions of paragraph (6) of the preceding Article apply mutatis mutandis to the appointment or dismissal of a safety chief or a safety planning promoter and the provisions of paragraph (7) of the Article likewise apply to the training of such persons.

(Refrigeration Safety Manager)

Article 27-4 (1) For each place of business and in accordance with Order of the Ministry of Economy, Trade and Industry, the following persons must appoint a refrigeration safety manager from among the holders of a production safety manager certificate who have experience in producing high pressure gas(es) provided for in Order of the Ministry of Economy, Trade and Industry and assign them to duties as provided for in paragraph (6) of Article 32.

(i) A Class 1 Producer who is provided for in item (ii) of paragraph (1) of Article 5 (excluding those whose facilities for production are those specified by Order of the Ministry of Economy, Trade and Industry or other persons specified by Order of the Ministry of Economy, Trade and Industry); or

(ii) A Class 2 Producer who is provided for in item (ii) of paragraph (2) of Article 5 (excluding those whose daily refrigeration capacity does not exceed the figure specified by Order of the Ministry of Economy, Trade and Industry, those whose facilities for production are those specified by Order of the Ministry of Economy, Trade and Industry or other persons specified by Order of the Ministry of Economy, Trade and Industry).

(2) The provisions of paragraph (5) of Article 27-2 apply mutatis mutandis to the appointment or dismissal of a refrigeration safety manager.

(Sales Chief and Operation Chief)

Article 28 (1) For each sales location and in accordance with Order of the Ministry of Economy, Trade and Industry, a dealer (limited to a person selling high pressure gases provided for in Order of the Ministry of Economy, Trade and Industry; the same applies in Article 34) must appoint a high pressure gas sales chief (hereinafter referred to as "sales chief") from among the holders of a production safety manager certificate or a high pressure gas sales chief certificate (hereinafter referred to as "sales chief certificate") who have experience in selling high pressure gas(es) specified by Order of the Ministry of Economy, Trade and Industry and assign them to duties as provided for in paragraph (7) of Article 32.

(2) For each place of business and in accordance with Order of the Ministry of Economy, Trade and Industry, any specific high pressure gas consumer must appoint a specific high pressure gas operation chief (hereinafter referred to as "operation chief") and assign them to duties as provided for in paragraph (8) of Article 32.

(3) The provisions of paragraph (5) of Article 27-2 apply mutatis mutandis to the appointment or dismissal of a sales chief or an operation chief.

(Production Safety Manager Certificate and Sales Chief Certificate)

Article 29 (1) Production safety manager certificates are to be classified into Class A chemical manager certificates, Class B chemical manager certificates, Class C chemical manager certificates, Class A mechanical manager certificates, Class B mechanical manager certificates, Class 1 refrigeration mechanical manager certificates, Class 2 refrigeration mechanical manager certificates, and Class 3 refrigeration mechanical manager certificates, while sales chief certificates are to be classified into Class 1 sales chief certificates and Class 2 sales chief certificates.

(2) The scope of duties that may be performed by a holder of a production safety manager certificate or a sales chief certificate for the safety of production or sale of high pressure gas is provided for in Order of the Ministry of Economy, Trade and Industry for each classification of production safety manager certificates or sales chief certificates given in the preceding paragraph.

(3) A production safety manager certificate or a sales chief certificate must only be issued to a person who has passed the high pressure gas production safety manager examination (hereinafter referred to as "production safety manager examination") or the high pressure gas sales chief examination (hereinafter referred to as "sales chief examination").

(4) The Minister of Economy, Trade and Industry or the prefectural governor is not required to issue a production safety manager certificate or a sales chief certificate to a person falling under either of the following items:

(i) A person who was ordered to return their production safety manager certificate or sales chief certificate and for whom two years have not passed from the date; or

(ii) A person who violated this Act or the LPG Act or an order pursuant to either of the Acts, who was sentenced to punishment severer than a fine, and for whom two years have not passed from the date when such person completed or was relieved from the execution thereof.

(5) Procedural matters concerning the issuance of a production safety manager certificate or sales chief certificate are to be specified by Order of the Ministry of Economy, Trade and Industry.

#### (Entrustment of Business to Issue Certificates)

Article 29-2 (1) Pursuant to a Cabinet Order, the Minister of Economy, Trade and Industry and a prefectural governor may entrust the whole or a part of the business regarding the issuance of production safety manager certificates and sales chief certificates provided for in Chapter III (excluding the affairs regarding the return of production safety manager certificates and sales chief certificates and other affairs provided for in a Cabinet Order; these businesses are hereinafter referred to as "the affairs regarding issuance of certificates") to a corporation specified by Order of the Ministry of Economy, Trade and

Industry.

- (2) Current or past officials or staff members of a corporation entrusted with the Affairs Regarding Issuance of Certificates under the provisions of the preceding paragraph must not leak any secrets which come to their knowledge in connection with the Affairs Regarding Issuance of Certificates in connection with the entrustment.

Article 30 In the event that a holder of a production safety manager certificate or a sales chief certificate has violated this Act, the LPG Act, or an order pursuant to either Act, the Minister of Economy, Trade and Industry or the prefectural governor may order them to return their production safety manager certificate or sales safety chief certificate.

(Production Safety Manager Examination and Sales Chief Examination)

- Article 31 (1) The production safety manager examination or the sales chief examination is conducted with respect to the knowledge and skills that are necessary for the production or sale of high pressure gas and the prevention of accidents due to high pressure gas.
- (2) The production safety manager examination or the sales chief examination must be conducted by the Minister of Economy, Trade and Industry or prefectural governor at least once a year for each classification of the production safety manager certificates or the sales chief certificates as provided for in paragraph (1) of Article 29.
  - (3) Persons who have finished the training courses conducted under Order of the Ministry of Economy, Trade and Industry by an agency designated by the Institute or the Minister of Economy, Trade and Industry (hereinafter referred to as "designated training agency") are exempt from the whole or a part of the production safety manager examination or the sales chief examination in accordance with Order of the Ministry of Economy, Trade and Industry.
  - (4) Beyond what is provided for in the preceding three paragraphs, test subjects, application procedures, and other particulars for the examinations as well as details for designation in the preceding paragraph are specified by Order of the Ministry of Economy, Trade and Industry.

Article 31-2 (1) The Minister of Economy, Trade and Industry (or prefectural governor when the duties which fall under the authority of the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (2) of the preceding Article are performed by a prefectural governor as specified by a Cabinet Order pursuant to the provisions of Article 78-4; the same applies in the following paragraph) or a prefectural governor may consign the clerical work relating to the implementation of the production safety manager

examination or the sales chief examination (hereinafter referred to as "examination service"), either wholly or partially, to the Institute or an examining agency designated by the Minister of Economy, Trade and Industry (hereinafter referred to as "designated examining agency" except in the case of items (vi)-3 of Article 59-9) in accordance with Order of the Ministry of Economy, Trade and Industry.

- (2) The Minister or prefectural governor is not to conduct the examination service, either wholly or partially, once such service has either wholly or partially been consigned to the Institute or a designated examining agency in accordance with the preceding paragraph.
- (3) In the event that a prefectural governor (including a prefectural governor who performs the duties which fall under the authority of the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (2) of the preceding Article as specified by a Cabinet Order pursuant to the provisions of Article 78-4; the same applies in paragraph (2) of Article 58-6, paragraph (2) of Article 59-30-2 and paragraph (2) of Article 74-2) decides to no longer have the Institute or a designated examining agency conduct the examination service which they had consigned in accordance with paragraph (1), the prefectural governor must notify the Institute or the designated examining agency to that effect at least 6 months prior thereto.

(Duties of Safety Controller)

Article 32 (1) A Safety Controller generally manages all work in relation to the safety of production of high pressure gas.

- (2) A safety technical manager assists the safety controller and manages technical matters in relation to the safety of production of high pressure gas.
- (3) A safety worker manages the maintenance of the facilities for production, monitoring of the method of production, or other technical matters in relation to the safety of production of high pressure gas specified by Order of the Ministry of Economy, Trade and Industry.
- (4) A safety chief assists a safety technical manager (in the case of the place of business where no safety technical manager is appointed, a safety controller with respect to technical matters in the safety of production of high pressure gas) assists and leads safety workers.
- (5) A safety planning promoter assists a safety controller in planning and maintaining the hazard prevention rule, planning and promoting the safety training program and other work in relation to the safety of production of high pressure gas as specified by Order of the Ministry of Economy, Trade and Industry.
- (6) A refrigeration safety manager manages the work in relation to the safety of production of high pressure gas.



- (7) A sales chief manages the work in relation to the safety of sale of high pressure gas.
- (8) An operation chief manages the work in relation to the safety of consumption of specific high pressure gases.
- (9) A safety controller, safety technical manager, supervisory safety worker, safety chief, safety planning promoter, or refrigeration safety manager, or sales chief or operation chief must conscientiously perform their duties.
- (10) Persons engaged in the production or sale of high pressure gas or the consumption of specific high pressure gases must observe instructions given by a safety controller, safety technical manager, safety worker, safety chief, or refrigeration safety manager, or sales chief, or operation chief to ensure the enforcement of this Act or orders pursuant thereto or the hazard prevention rule.

(Deputies for Safety Controller)

Article 33 (1) In accordance with Order of the Ministry of Economy, Trade and Industry, in advance, a person listed in item (i) or (ii) of paragraph (1) of Article 27-2 or item (i) or (ii) of paragraph (1) of Article 27-4 appoints deputies for the safety controller, safety technical manager, safety worker, safety chief, or safety planning promoter, or refrigeration safety manager (hereinafter referred to collectively as "safety controller, etc.") to act on behalf of the safety controller, etc. when they are prevented from performing their duties due to a trip, sickness, or any other incident. In this case, pursuant to Order of the Ministry of Economy, Trade and Industry, deputies for the safety technical manager, safety worker, safety chief, or refrigeration safety manager must be appointed from among the holders of a production safety manager certificate who have experience in producing high pressure gas(es) specified by Order of the Ministry of Economy, Trade and Industry and a deputy for the safety planning promoter must be appointed from among those with the knowledge and experience in the safety of production of high pressure gas specified by the Order of the Ministry of Economy, Trade and Industry under paragraph (2) of Article 27-3.

- (2) When performing the duties of the safety controller, etc., the deputies set forth in the preceding paragraph are regarded as the safety controller, etc., with regard to the application of the provisions of this Act.
- (3) The provisions of paragraph (5) of Article 27-2 apply mutatis mutandis to the appointment or dismissal of deputies for the safety controller or refrigeration safety manager under paragraph (1).

(Order to Dismiss Safety Controller)

Article 34 When a prefectural governor finds that a safety controller, etc. or any

deputy thereof, a sales chief or an operation chief has violated any provisions of this Act or any order pursuant thereto, or they find a risk that performance of duty by the above person may interfere with the maintenance of public safety or the prevention of disasters, the prefectural governor may order a person listed in item (i) or (ii) of paragraph (1) of Article 27-2 or item (i) or (ii) of paragraph (1) of Article 27-4, dealer or specific high pressure gas consumer to dismiss such safety controller, etc. or deputy thereof, sales chief, or operation chief.

(Safety Inspection)

Article 35 (1) With respect to facilities for production for which there is a possibility of explosions or other disasters due to high pressure gas (limited to those facilities specified by Order of the Ministry of Economy, Trade and Industry; hereinafter referred to as "specified facilities"), periodically and in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry, a Class 1 Producer must subject their specified facilities to a safety inspection conducted by the prefectural governor; provided, however, that this does not apply to either of the following cases:

- (i) When the safety inspection of specified facilities specified by Order of the Ministry of Economy, Trade and Industry has been conducted by the Institute or an agency designated by the Minister (hereinafter referred to as "designated safety inspection agency") pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and a notification report thereof has been submitted to the prefectural governor; or
  - (ii) When a person accredited by the Minister of Economy, Trade and Industry as qualified to implement the safety inspection related to specified facilities by themselves (hereinafter referred to as "accredited safety inspection executor") submits to the prefectural governor inspection records regarding the specified facilities for which the accreditation for safety inspection is given in accordance with the provisions of paragraph (2) of Article 39-11.
- (2) The safety inspection set forth in the preceding paragraph must be conducted to determine whether or not the specified facilities conform with the technical standards under item (i) of Article 8.
  - (3) The Institute or the designated safety conformity inspection agency which conducted the safety inspection as provided for in item (i) of paragraph (1) must report its result to the prefectural governor without delay.
  - (4) The method of safety inspection to be conducted by the prefectural governor, the Institute, or a designated safety conformity inspection agency under paragraph (1) is specified in Order of the Ministry of Economy, Trade and Industry.

(Periodical Self-Inspection)

Article 35-2 In accordance with the provisions of Order of the Ministry of Economy, Trade and Industry, with respect to facilities for production or consumption specified by Order of the Ministry of Economy, Trade and Industry, Class 1 Producers, Class 2 Producers using equipment accredited under paragraph (2) of Article 56-7, Class 2 Producers whose daily production volume of high pressure gas exceeds the value specified by Order of the Ministry of Economy, Trade and Industry for each type of gas specified by Order of the Ministry of Economy, Trade and Industry (or the value of daily refrigerating capacity specified by Order of the Ministry of Economy, Trade and Industry for persons provided for in item (ii) of paragraph (2) of Article 5) or specific high pressure gas consumers are to conduct self-inspections periodically for safety, and must prepare and keep inspection records thereof.

(Measures Taken to Prevent Disaster, and Reporting)

Article 36 (1) Whenever any facilities for the production of high pressure gas, storage places of high pressure gas, facilities for the sale of high pressure gas, facilities for the consumption of specific high pressure gas, or any container filled with high pressure gas fall into a dangerous state, the owner or possessor of such facilities, storage place, or container must promptly take immediate measures specified by Order of the Ministry of Economy, Trade and Industry to prevent disasters.

(2) Any person finding the situation described set forth in the preceding paragraph must immediately report it to the prefectural governor, a police officer, or a firefighter or a fire corps volunteer, or a coast guard officer.

(Restricted Use of Fire and Flammable Materials)

Article 37 (1) No person in place of business under paragraph (1) or (2) of Article 5, a Class 1 or Class 2 Storage Place, a sales location under Article 20-4 (except a sales location under item (ii) of the Article), place of business under paragraph (1) of Article 24-2, or sales location under item (ii) of paragraph (2) of Article 3 of the LPG Act must use fire in places designated by a Class 1 or 2 Producer, an owner or possessor of a Class 1 or Class 2 Storage Place, a dealer, or a specific high pressure gas consumer, or a LPG dealer under Article 6 of the LPG Act.

(2) No person with any flammable material must enter places prescribed in the preceding paragraph without the consent of a Class 1 or 2 Producer, owner or possessor of a Class 1 or Class 2 Storage Place, dealer, specific high pressure gas consumer, or LPG dealer under Article 6 of the LPG Act.

(Revocation of Permission)

Article 38 (1) When any Class 1 Producer or owner or possessor of a Class 1 Storage Place falls under any of the following items, the prefectural governor may revoke permission under paragraph (1) of Article 5 or paragraph (1) of Article 16 or order them to suspend production or storage for a specified period; provided, however, that item (vi) below does not apply to any owner or possessor of a Class 1 Storage Place:

- (i) When they have violated an order pursuant to paragraph (3) of Article 11, paragraph (2) of Article 15, paragraph (3) of Article 18, paragraph (2) or (4) of Article 26, paragraph (2) of Article 27, Article 34 or item (i) or (iii) of Article 39 or a prohibition or restriction pursuant to the provisions of Article 39, item (ii);
  - (ii) When they have performed, without the required permission, a matter for which permission is required pursuant to the provisions of paragraph (1) of Article 14 or paragraph (1) of Article 19;
  - (iii) When they have used the facilities for production of high pressure gas or a Class 1 Storage Place without undergoing completion inspection under paragraph (1) or (3) of Article 20;
  - (iv) When they have violated the provisions of paragraph (1), (3), (4), or (7) of Article 27-2 (including when applied mutatis mutandis pursuant to paragraph (3) of Article 27-3), paragraph (1) or (2) of Article 27-3, or paragraph (1) of Article 27-4;
  - (v) When they have violated the conditions of permission or approval under paragraph (1) of Article 65; or
  - (vi) When they come under items (ii) to (iv) of Article 7.
- (2) When a Class 2 Producer, an owner or possessor of a Class 2 Storage Place, dealer, or specific high pressure gas consumer comes under either of the following items, the prefectural governor may order them to suspend production, storage, sale, or consumption for a specified period:
- (i) When they have violated any order pursuant to paragraph (3) of Article 12, paragraph (2) of Article 15, paragraph (3) of Article 18, paragraph (2) of Article 20-6, paragraph (3) of Article 24-3, Article 34, or item (i) or (iii) of Article 39, or a prohibition or restriction pursuant to the provisions of item (ii) of the Article; or
  - (ii) When they have violated the provisions of paragraph (1) or (2) of Article 28.

(Emergency Measures)

Article 39 The Minister of Economy, Trade and Industry or the prefectural governor may take the following measures when they find it urgently necessary for the maintenance of public safety or the prevention of disasters:

- (i) To order a Class 1 or 2 Producer, an owner or possessor of a Class 1 or Class 2 Storage Place, dealer, specific high pressure gas consumer or LPG dealer

- under Article 6 of the LPG Act, or filler under paragraph (3) of Article 37-4 of the LPG Act to temporarily suspend, in whole or part, the use of the facilities for production, Class 1 or Class 2 Storage Places, sales locations, or facilities for consuming specific high pressure gas;
- (ii) To temporarily prohibit and restrict a Class 1 or 2 Producer, an owner or possessor of a Class 1 or Class 2 Storage Place, dealer, specific high pressure gas consumer, LPG dealer under Article 6 of the LPG Act, a filler under paragraph (3) of Article 37-4 of the LPG Act, or any other person handling high pressure gas from engaging in production, delivery, storage, transportation, consumption, or disposal; or
  - (iii) To order the owner or possessor of a high pressure gas or a container therefor to dispose of or change the location of such gas or container.

### **Chapter III-2 Accreditation Regarding Completion Inspection and Safety Inspection**

(Accreditation Regarding Completion Inspection)

- Article 39-2 (1) The accreditation provided for in item (ii) of paragraph (3) of Article 20 is made following an application filed by a Class 1 Producer or an owner or possessor of a Class 1 Storage Place who intends to conduct completion inspection regarding the specified alteration work (limited to the types of work specified by Order of the Ministry of Economy, Trade and Industry; the same applies throughout this Chapter) by themselves for each place of business under paragraph (1) of Article 5 or Class 1 Storage Places pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) The application referred to set forth in the preceding paragraph must be made with a clear description of the specified alteration work for which they intend to conduct completion inspection.

(Accreditation Criteria Regarding Completion Inspection)

- Article 39-3 (1) The Minister of Economy, Trade and Industry must not confer the accreditation unless they find that the application made under paragraph (1) of the preceding Article falls under any of the following items:
- (i) The organization to conduct the completion inspection of the specified alteration work conforms to the criteria specified by Order of the Ministry of Economy, Trade and Industry.
  - (ii) Codes specifying the method of completion inspection of the specified alteration work (hereinafter referred to as "completion inspection codes") have been prepared and the method of the completion inspection specified therein conforms to the method specified by the Order of the Ministry of

Economy, Trade and Industry referred to in paragraph (5) of Article 20.

- (iii) Persons who have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry conduct the completion inspection of the specified alteration work and the number of these persons is not less than the number specified by Order of the Ministry of Economy, Trade and Industry.
- (2) A person who has made an application provided for in paragraph (1) of the preceding Article must undergo inspection by the Minister of Economy, Trade and Industry regarding the organization for completion inspection and the method of completion inspection of the specified alteration work; provided, however, that this does not apply when the application under the paragraph is accompanied by the document referred to in paragraph (2) of Article 39-7.

(Accreditation Regarding Safety Inspection)

- Article 39-4 (1) The accreditation provided for in item (ii) of paragraph (1) of Article 35 is made following an application filed by a Class 1 Producer who intends to conduct a safety inspection regarding the specified facilities (limited to those specified by Order of the Ministry of Economy, Trade and Industry; the same applies throughout this Chapter) by themselves for each of place of business under paragraph (1) of Article 5 pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) The application set forth in the preceding paragraph must be made with a clear description of the specified facilities for which the applicant intends to conduct the safety inspection.

(Accreditation Criteria Regarding Safety Inspection)

- Article 39-5 (1) The Minister of Economy, Trade and Industry must not confer the accreditation unless they find the application made under paragraph (1) of the preceding Article falls under any of the following items.
- (i) The organization to conduct the safety inspection of the specified facilities conforms to the criteria specified by Order of the Ministry of Economy, Trade and Industry.
  - (ii) Codes specifying the method of safety inspection of the specified facilities (hereinafter referred to as "safety inspection codes") have been prepared and the method of the safety inspection specified therein conforms to the method specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (4) of Article 35.
  - (iii) Persons who have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry conduct the safety inspection of the specified facilities and the number of these persons is not less than the number specified by Order of the Ministry

of Economy, Trade and Industry.

- (2) A person who has made an application provided for in paragraph (1) of the preceding Article must undergo inspection by the Minister of Economy, Trade and Industry regarding the organization for safety inspection and the method of safety inspection of the specified facilities; provided, however, that this does not apply when the application under the paragraph is accompanied by the document referred to in paragraph (4) of Article 39-7.

(Disqualification Clause)

Article 39-6 (1) Any person falling under any of the following items is disqualified from receiving accreditation under item (ii) of paragraph (3) of Article 20 and item (ii) of paragraph (1) of Article 35:

- (i) A person for whom two years have not yet passed from the date of commencement of production of high pressure gas;
  - (ii) A Class 1 Producer for whom two years have not yet passed from the date of an accident involving high pressure gas at their place of business;
  - (iii) An owner or possessor of a Class 1 Storage Place for whom two years have not yet passed from the date of an accident involving high pressure gas at their Class 1 Storage Place;
  - (iv) A person for whom two years have not yet passed from the date of their completion of the execution period of a punishment severer than a fine imposed for their violation of this Act or the provisions of an order pursuant to this Act, or for whom two years have not yet passed from the date of such execution becoming invalid;
  - (v) A person for whom two years have not yet passed from the date of revocation of accreditation under item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35 pursuant to the provisions of paragraph (1) of Article 39-12; or
  - (vi) A corporation, for which any of its officials assigned to conduct the business fall under either of the preceding item (iv) or item (v).
- (2) The provisions of item (i) of the preceding paragraph do not apply to a person who has received the delivery of the whole or a part of the facilities for production from a Class 1 Producer and who has been conferred the permission under paragraph (1) of Article 5, if two years have passed since the date of notification of the commencement of production of high pressure gas by the Class 1 Producer at the facilities pursuant to the provisions of paragraph (1) of Article 21.

(Investigation by the Institute)

Article 39-7 (1) A Class 1 Producer or the owner or possessor of a Class 1 Storage Place may request the Institute or a person designated by the Minister

of Economy, Trade and Industry to conduct an investigation on the organization and method of completion inspection at the place of business under paragraph (1) of Article 5 or at a Class 1 Storage Place in relation to the application for accreditation referred to in item (ii) of paragraph (3) of Article 20.

- (2) When the Institute or a person designated by the Minister of Economy, Trade and Industry in the preceding paragraph finds that the organization for completion inspection and method of completion inspection at the place of business under paragraph (1) of Article 5 or a Class 1 Storage Place for which it has conducted the investigation referred to in the paragraph conform to the criteria specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (i) of paragraph (1) of Article 39-3 and the method of inspection specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (5) of Article 20, it must issue a document to that effect.
- (3) A Class 1 Producer may request the Institute or a person designated by the Minister of Economy, Trade and Industry to conduct an investigation on the organization for safety inspection and the method of safety inspection at the place of business under paragraph (1) of Article 5 in relation to the application for accreditation referred to in item (ii) of paragraph (1) of Article 35.
- (4) When the Institute or a person designated as referred to in the preceding paragraph finds that the organization for safety inspection and method of safety inspection at the place of business under paragraph (1) of Article 5 for which it has conducted the investigation referred to in the paragraph conform to the criteria specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (i) of paragraph (1) of Article 39-5 and the method of inspection specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (4) of Article 35, it must issue a document to that effect.

(Renewal of Accreditation)

- Article 39-8 (1) The accreditation referred to in item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35 ceases to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) The provisions of Article 39-2, Article 39-3, and paragraphs (1) and (2) of the preceding Article apply *mutatis mutandis* to the renewal of accreditation provided for in item (ii) of paragraph (3) of Article 20.
  - (3) The provisions of Article 39-4, Article 39-5 and paragraphs (3) and (4) of the preceding Article apply *mutatis mutandis* to the renewal of accreditation



provided for in item (ii) of paragraph (1) of Article 35.

(Notification Report of Change)

Article 39-9 (1) When any change has taken place in the organization for completion inspection or method of completion inspection, an accredited completion inspection executor must inform the Minister of Economy, Trade and Industry without delay.

(2) When any change has taken place in the organization for safety inspection or the method of safety inspection, an accredited safety inspection executor must inform the Minister of Economy, Trade and Industry without delay.

(Duty of Accredited Persons)

Article 39-10 (1) When an accredited completion inspection executor executes an accredited completion inspection regarding the specified alteration work, they must follow the completion inspection codes and must assign the work of completion inspection to a person with the knowledge and experience that conform with the conditions specified by the Order of the Ministry of Economy, Trade and Industry under item (iii) of paragraph (1) of Article 39-3.

(2) An accredited completion inspection executor must prepare and store inspection records describing those items specified by Order of the Ministry of Economy, Trade and Industry, and must promptly submit them to the Minister of Economy, Trade and Industry when so requested by the Minister.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to an accredited safety inspection executor. In this case, the phrase "an accredited completion inspection regarding the specified alteration work" in paragraph (1) is deemed to be replaced with "safety inspection regarding specified facilities", the phrase "completion inspection codes" in paragraph (1) is deemed to be replaced with "safety inspection codes" and the phrase "item (iii) of paragraph (1) of Article 39-3" in paragraph (1) is deemed to be replaced with "item (iii) of paragraph (1) of Article 39-5".

(Notification Report of Inspection Records)

Article 39-11 (1) When an accredited completion inspection executor has conducted a completion inspection regarding an accredited specified alteration work in accordance with the method specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (5) of Article 20 and has confirmed that the facilities for production or a Class 1 Storage Place conform to the technical standards under item (i) of Article 8 or paragraph (2) of Article 16, they may submit a notification report of the inspection records describing those matters specified by Order of the Ministry of Economy, Trade and Industry to the prefectural governor.

(2) When an accredited safety inspection executor has conducted safety inspection regarding accredited specified facilities in accordance with the method specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (4) of Article 35 and has confirmed that the facilities for production conform to the technical standards under item (i) of Article 8, they may submit a notification report of the inspection records describing those matters specified by Order of the Ministry of Economy, Trade and Industry to the prefectural governor.

(Revocation of Accreditation)

Article 39-12 (1) In the event that either an accredited completion inspection executor or an accredited safety inspection executor falls under one of the following items, the Minister of Economy, Trade and Industry may revoke the accreditation under item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35:

- (i) When an accident caused by high pressure gas takes place at the accredited place of business referred to in paragraph (1) of Article 5 or a Class 1 Storage Place;
- (ii) When a fire or any other accident which could lead to the occurrence of an accident involving high pressure gas takes place at the accredited place of business referred to in paragraph (1) of Article 5 or a Class 1 Storage Place;
- (iii) When an emergency measure to prevent the occurrence of an accident specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 36 is not taken or a notification report required under paragraph (2) of the Article is not submitted;
- (iv) When an order to suspend the production or storage of high pressure gas is issued by the prefectural governor in accordance with the provisions of paragraph (1) of Article 38;
- (v) When a measure is taken by the prefectural governor pursuant to item (i) or (ii) of Article 39;
- (vi) When it is found that the provisions of any item of paragraph (1) of Article 39-3 or any item of paragraph (1) of Article 39-5 are not met;
- (vii) When a false notification report is submitted under the provisions of paragraph (1) or (2) of the preceding Article;
- (viii) When a request by the Minister of Economy, Trade and Industry to submit inspection records under the provisions of paragraph (2) of Article 39-10 (including when applied mutatis mutandis pursuant to paragraph (3) of the Article) is not complied with;
- (ix) When the provisions of item (iv) or (vi) of paragraph (1) of Article 39-6 become relevant; or
- (x) When the accreditation under item (ii) of paragraph (3) of Article 20 or item

(ii) of paragraph (1) of Article 35 or its renewal is obtained by fraudulent means.

(2) When the permission under paragraph (1) of Article 5 or paragraph (1) of Article 16 is revoked pursuant to the provisions of paragraph (1) of Article 38, the accreditation under item (ii) of paragraph (3) of Article 20 and item (ii) of paragraph (1) of Article 35 regarding the place of business under paragraph (1) of Article 5 or a Class 1 Storage Place for which the permission is revoked ceases to be effective.

## **Chapter IV Containers**

### **Section 1 Containers and Accessories Therefor**

#### Article 40 Deletion

(Method of Manufacture)

Article 41 (1) Any person engaging in the business of manufacturing containers to be filled with high pressure gas (such containers are hereinafter referred to simply as "containers" and the person engaging in the business of manufacturing them is referred to as a "container manufacturer" respectively) must manufacture the containers in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(2) In the event that the method of manufacture used by a container manufacturer is found to fail to conform to the technical standards set forth in the preceding paragraph, the Minister of Economy, Trade and Industry may order the container manufacturer to manufacture the containers in accordance with the technical standards.

#### Article 42 Deletion

#### Article 43 Deletion

(Container Inspection)

Article 44 (1) No person who has manufactured or imported containers may transfer or deliver the containers unless they have passed the container inspection conducted by the Minister of Economy, Trade and Industry, the Institute, or an agency designated by the Minister of Economy, Trade and Industry (hereinafter referred to as "designated container inspection agency") in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry and bear the stamp pursuant to paragraph (1) of the following Article or marking plate pursuant to paragraph (2) of the Article to indicate their having successfully passed the inspection; providing, however,

that this does not apply to containers falling under any of the following items:

- (i) Containers (except those specified by Order of the Ministry of Economy, Trade and Industry) which are manufactured by a container manufacturer registered under paragraph (1) of Article 49-5 (hereinafter referred to as "registered container manufacturer") and which bear either the stamp under paragraph (1) of Article 49-25 or the marking plate under paragraph (2) of the Article;
  - (ii) Containers (except those specified by the Order of the Ministry of Economy, Trade and Industry referred to in the preceding item) which are manufactured by a manufacturer registered under paragraph (1) of Article 49-31 engaging in the business of manufacturing containers abroad for their export to Japan (hereinafter referred to as "Registered Foreign Container Manufacturer") and which bear either the stamp under paragraph (1) of Article 49-25 or marking plate under paragraph (2) of the Article that applies *mutatis mutandis* pursuant to paragraph (2) of Article 49-33;
  - (iii) Containers which are manufactured for export or other usages to be specified by Order of the Ministry of Economy, Trade and Industry; or
  - (iv) Imported containers were filled with high pressure gas and are still filled with high pressure gas.
- (2) A person who intends to undergo the container inspection set forth in the preceding paragraph must declare the type and the pressure of the high pressure gas to be filled therein.
- (3) With respect to containers which were manufactured not for repeated filling but for single filling of high pressure gas (herein referred to as "non-refillable containers"), a person who intends to undergo the container inspection pursuant to paragraph (1) must make it clear that such containers are non-refillable containers.
- (4) With respect to the container inspection under paragraph (1), containers pass the container inspection if they conform to the applicable standards specified by Order of the Ministry of Economy, Trade and Industry for each type and pressure of high pressure gases.

(Stamp or Marking Plate)

Article 45 (1) When containers have successfully passed the container inspection, except where such containers are those specified by Order of the Ministry of Economy, Trade and Industry as difficult to stamp, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection agency must promptly stamp each of the containers in accordance with Order of the Ministry of Economy, Trade and Industry.

- (2) When containers have successfully passed the container inspection, if the containers are those specified by the Order of the Ministry of Economy, Trade

and Industry set forth in the preceding paragraph, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection agency must promptly attach a marking plate to each of the containers in accordance with Order of the Ministry of Economy, Trade and Industry.

- (3) Except as provided for in the preceding two paragraphs, paragraph (1) of Article 49-25 (including when applied mutatis mutandis pursuant to paragraph (2) of Article 49-33; the same applies to item (iii) of paragraph (1) of the following Article), paragraph (2) of Article 49-25 (including when applied mutatis mutandis pursuant to paragraph (2) of Article 49-33; the same applies to item (iii) of paragraph (1) of the following Article) or paragraph (2) of Article 54, no person must stamp a container as in paragraph (1) or attach a marking plate thereto as in the preceding paragraph (hereinafter referred to as "stamp, etc.") or stamp, etc. in a way that it could be confused with a proper stamp or attached marking plate.

(Marking)

Article 46 (1) An owner of containers must clearly mark each of the containers without delay in accordance with Order of the Ministry of Economy, Trade and Industry in any of the following cases. The same applies when the marking has been lost.

(i) When a container has been stamped, etc.;

(ii) When a container has been stamped pursuant to paragraph (1) of Article 49-25 or a marking plate is attached thereto pursuant to paragraph (2) of the Article; or

(iii) When a container bearing a stamp under paragraph (1) of Article 49-25 or a marking plate under paragraph (2) of the Article (hereinafter referred to as "self-inspection stamping, etc.") is imported.

(2) Any person who has imported containers (limited to those containers that are filled with high pressure gas, except those specified by Order of the Ministry of Economy, Trade and Industry) must clearly mark each of such containers without delay in accordance with the provisions of the Order of the Ministry of Economy, Trade and Industry after such containers have passed the inspection under paragraph (1) of Article 22. The same applies when the marking has been lost.

(3) Except as provided for in the preceding two paragraphs or paragraph (3) of Article 54, it is prohibited for any person to mark a container as in the preceding two paragraphs or make any similar marking which can be confused with such marking.

Article 47 (1) Any transferee of containers (except those containers specified by the Order of the Ministry of Economy, Trade and Industry as referred to in

paragraph (2) of the preceding Article and those scrapped or otherwise disposed of so that they cannot be used) must clearly mark each of the containers without delay in accordance with Order of the Ministry of Economy, Trade and Industry. The same requirement applies when the marking has been lost.

- (2) Except as provided for in the preceding paragraph, it is prohibited for any person to mark a container as in the paragraph or make any similar marking which can be confused with such marking.

(Filling)

Article 48 (1) When filling a container (except non-refillable containers; the same applies throughout this paragraph) with high pressure gas, the container must conform to all of the following requirements:

- (i) The container is to be stamped, etc. or be marked with a self-inspection stamp, etc.;
- (ii) The container bears the marking under paragraph (1) of Article 46;
- (iii) The container is to be equipped with a valve (valve and other accessories specified by Order of the Ministry of Economy, Trade and Industry in the case of containers specified by Order of the Ministry of Economy, Trade and Industry; the same applies hereinafter in this item (iii)). If the valve falls under the type of accessories specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 49-2, such valve should have undergone and passed the accessory inspection and have been stamped as required under paragraph (1) of Article 49-3 or paragraph (3) of Article 49-25 (including when applied *mutatis mutandis* pursuant to paragraph (2) of Article 49-33; the same applies throughout this paragraph, the following paragraph, paragraph (4) and paragraph (2) of Article 49-3) (in the case the period specified by Order of the Ministry of Economy, Trade and Industry has passed after the accessory inspection or re-inspection has been undergone or after the stamp under paragraph (3) of Article 49-25 has been received, or in the case it is a damaged container, the valve is to have undergone and passed the accessory inspection and is to have been stamped as required under paragraph (3) of Article 49-4);
- (iv) In the case of a container fabricated by welding or by other means that could harm the container's conformity to the standards of containers under paragraph (4) of Article 44, the fabrication is to have been performed in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry; and
- (v) In the case of a container which has been damaged or for which the period specified by Order of the Ministry of Economy, Trade and Industry after the preceding container inspection or re-inspection or after receiving the self-

- inspection stamp, etc. has passed, the container is to have undergone and passed the container re-inspection and have been stamped under paragraph (3) of the following Article, in addition to displaying the marking plate under paragraph (4) of the Article.
- (2) When high pressure gas is to be filled into a non-refillable container, the non-refillable container must meet all of the following requirements:
- (i) The container is to be stamped, etc. or marked with a self-inspection stamp, etc.;
  - (ii) The container is to have the marking under paragraph (1) of Article 46;
  - (iii) The container is to be equipped with a valve (valve and other accessories specified by Order of the Ministry of Economy, Trade and Industry in the case of Non-Refillable Containers specified by Order of the Ministry of Economy, Trade and Industry; the same applies hereinafter in this item (iii)). If the valve falls under the type of accessories specified by Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 49-2, the valve should have undergone and passed the accessory inspection and have been stamped as required under paragraph (1) of Article 49-3 or paragraph (3) of Article 49-25; and
  - (iv) No fabrication work has been performed after passing the container inspection or receiving the self-inspection stamp, etc.
- (3) No high pressure gas must be filled again into a non-refillable container once filled with high pressure gas or into an imported non-refillable container once filled with high pressure gas.
- (4) The high pressure gas to be filled in the container must fall under both of the following items:
- (i) It is a high pressure gas of the type indicated by stamp, etc. or self-inspection stamp, etc. In addition, in the case of compressed gas, its pressure does not exceed the limit indicated by stamp, etc. or self-inspection stamp, etc. In the case of liquefied gas, its mass does not exceed the limit calculated under Order of the Ministry of Economy, Trade and Industry using the internal volume of the container indicated by stamp, etc. or self-inspection stamp, etc.; and
  - (ii) If a valve installed on the container (valve and accessories specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (iii) of paragraph (1) in the case of a container specified by the Order of the Ministry of Economy, Trade and Industry in the item or the valve and accessories specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (iii) of paragraph (2) in the case of a non-refillable container specified by the Order of the Ministry of Economy, Trade and Industry in the item) falls under the type of accessories specified by the Order of the Ministry of Economy, Trade and Industry under paragraph (1)

of Article 49-2, the gas is to be a high pressure gas of a type consistent with the stamp under paragraph (1) of Article 49-3 or paragraph (3) of Article 49-25. In the case of compressed gas, its pressure does not exceed the limit indicated by the same stamp. In the case of liquefied gas, its mass does not exceed the limit calculated under Order of the Ministry of Economy, Trade and Industry on the basis of the pressure indicated in the same stamp.

- (5) The provisions of the preceding paragraphs (1), (2), and (4) do not apply if the Minister of Economy, Trade and Industry finds no risk of danger and grants approval subject to certain conditions and if the filling of high pressure gas is performed in accordance with the conditions.

(Container Re-inspection)

Article 49 (1) The re-inspection of containers are conducted by the Minister of Economy, Trade and Industry, the Institute, a designated container inspection agency, or a person who has registered their container inspection station with the Minister of Economy, Trade and Industry in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry.

- (2) With respect to the container re-inspection, containers pass the re-inspection if they conform to the applicable standards specified by Order of the Ministry of Economy, Trade and Industry with respect to the type and pressure of high pressure gas.

(3) When containers have successfully passed the re-inspection, excluding the case where the containers are those specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 45, the Minister of Economy, Trade and Industry, the Institute, a designated container inspection agency, or a person with a registered container inspection station must promptly stamp each of the containers in accordance with Order of the Ministry of Economy, Trade and Industry.

(4) When containers have successfully passed the inspection, when the containers are those specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 45, the Minister of Economy, Trade and Industry, the Institute, a designated container inspection agency, or a person with a registered container inspection station must promptly attach a marking plate on each of the containers in accordance with Order of the Ministry of Economy, Trade and Industry.

(5) Except as provided for in the preceding two paragraphs, it is prohibited for any person to stamp a container as set forth in paragraph (3) or attach the marking plate as set forth in the preceding paragraph or display any stamp or mark that can be confused therewith.

(6) The place where a person with a registered container inspection station conducts the container re-inspection is to be a container inspection station



which they have registered.

(Accessory Inspection)

Article 49-2 (1) It is prohibited for any person who has manufactured or imported valves or other container accessories specified by Order of the Ministry of Economy, Trade and Industry (hereinafter simply referred to as "accessories" except in Article 59-9) to transfer or deliver such accessories without having them undergo and pass the accessory inspection conducted by the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection agency in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry and receiving the stamp under paragraph (1) of the following Article to prove the passing of the inspection; provided, however, that this does not apply to the following accessories:

- (i) Accessories (except those specified by Order of the Ministry of Economy, Trade and Industry) which are manufactured by a person registered under paragraph (1) of Article 49-5 engaged in the business of manufacturing accessories (hereinafter referred to as "registered accessories manufacturer") and which bear the stamp under paragraph (3) of Article 49-25;
  - (ii) Accessories (except those specified by the Order of the Ministry of Economy, Trade and Industry referred to in the preceding item) which are manufactured by a manufacturer registered under paragraph (1) of Article 49-31 engaged in the business of manufacturing accessories abroad for their export to Japan (hereinafter referred to as "registered foreign accessories manufacturer") and which bear the stamp under paragraph (3) of Article 49-25 that applies mutatis mutandis pursuant to paragraph (2) of Article 49-33;
  - (iii) Accessories for export or other types of use to be specified by Order of the Ministry of Economy, Trade and Industry; or
  - (iv) Accessories attached to an imported container filled with high pressure gas and still filled with high pressure gas.
- (2) Any person who intends to apply for the accessory inspection set forth in the preceding paragraph must declare the type and the pressure of the high pressure gas to be filled in the container on which such accessory is to be installed.
- (3) For accessories to be installed on a non-refillable container, a person who intends to apply for the accessory inspection under paragraph (1) must declare that the accessories are to be installed on a non-refillable container.
- (4) With respect to the accessory inspection under paragraph (1), accessories pass the inspection if they conform with the applicable standards specified by Order of the Ministry of Economy, Trade and Industry for each type and pressure of high pressure gases.

(Stamping)

- Article 49-3 (1) When accessories have successfully passed the inspection thereof, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection agency must promptly stamp each of the accessories in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) Except as provided for in the preceding paragraph or paragraph (3) of Article 49-25, it is prohibited for any person to stamp accessories or stamp anything else that might cause confusion therewith.

(Accessory Re-inspection)

- Article 49-4 (1) The re-inspection of accessories are conducted by the Minister of Economy, Trade and Industry, the Institute, a designated container inspection agency, or a person with a registered container inspection station in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry.
- (2) With respect to the accessory re-inspection, accessories pass the inspection if they conform to the applicable standards specified by Order of the Ministry of Economy, Trade and Industry for each type and pressure of high pressure gases.
- (3) When accessories have successfully passed the re-inspection, the Minister of Economy, Trade and Industry, the Institute, a designated container inspection agency, or a person with a registered container inspection station must promptly stamp each of the accessories in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) Except as provided for in the preceding paragraph, it is prohibited for any person to stamp accessories as set forth in the paragraph or stamp anything else that might cause confusion therewith.
- (5) The provisions of paragraph (6) of Article 49 apply mutatis mutandis to any location performing the accessory re-inspection.

(Registration of a Manufacturer of Containers)

- Article 49-5 (1) A person who is engaged in the business of manufacturing containers or accessories may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in accordance with the category of the manufacturing business of containers or accessories as specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "business category regarding containers, etc.").
- (2) Any person who intends to register under the preceding paragraph must submit a written application letter therefor describing the following items to the Minister of Economy, Trade and Industry:

- (i) Personal name or business name, address, and, in the case of a corporation, the name of its representative;
  - (ii) Business category regarding the containers, etc.;
  - (iii) Name and address of the factory or workplace where the containers or accessories are manufactured;
  - (iv) Name, specification, and quantity of equipment which is used for the manufacture of the containers or accessories and which is specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "manufacturing equipment for containers, etc.");
  - (v) Name, specification, and quantity of equipment which is used for the inspection of the containers or accessories and which are specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "inspection equipment for containers, etc."); and
  - (vi) Items which are related to the quality control method and organization for inspection of the containers or accessories and which are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The written application letter set forth in the preceding paragraph must be annexed by codes setting forth the method to inspect the containers or accessories (hereinafter referred to as "inspection codes for containers, etc."), drawing(s) of the factory or workplace and other documents specified by Order of the Ministry of Economy, Trade and Industry.
- (4) A person who has made an application in accordance with the provisions of paragraph (2) above must undergo the inspection by the Minister of Economy, Trade and Industry for the production equipment for containers, etc., the inspection equipment for containers, etc., the quality control method, organization for inspection, and inspection method referred to in item (v) of Article 49-7 at the factory or workplace; provided, however, that this does not apply when the application letter referred to in the paragraph is accompanied by the documents referred to in paragraph (2) of Article 49-8.

(Disqualification Clause)

Article 49-6 Any person who falls under any of the following items is disqualified from registration under paragraph (1) of the preceding Article:

- (i) A person for whom two years have not yet passed from the date of their completing the execution period of a punishment, severer than a fine, imposed for their violation of this Act or the provisions of an order pursuant to this Act, or from the date of such execution becoming invalid;
- (ii) A person for whom two years have not yet passed from the date of revocation of registration in accordance with the provisions of Article 49-17 or paragraph (1) of Article 49-32; or
- (iii) A corporation, for which any of whose officials assigned to conduct the

business fall under either of the preceding two items.

(Criteria for Registration)

Article 49-7 In the event that the Minister of Economy, Trade and Industry finds that an application for registration under paragraph (1) of Article 49-5 falls under any or all of the following items, they must register the applicant:

- (i) The manufacturing equipment for the containers, etc. conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) The inspection equipment for the containers, etc. conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (iii) The quality control method and organization for inspection conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (iv) Persons who have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry conduct the inspection of the containers, etc., and the number of such persons is not less than the number specified by Order of the Ministry of Economy, Trade and Industry; and
- (v) The inspection method of the containers, etc. specified by the inspection codes for the containers, etc. conforms to the method specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 44 or paragraph (1) of Article 49-2.

(Investigation by the Institute)

Article 49-8 (1) A person who is engaged in the business of manufacturing containers or accessories may request the Institute or a person designated by the Minister of Economy, Trade and Industry to conduct an investigation of the manufacturing equipment for the containers, etc., the inspection equipment for the containers, etc., the quality control method, organization for inspection, and method of inspection under item (v) of the preceding Article at the factory or workplace in relation to the application for registration referred to in paragraph (1) of Article 49-5.

- (2) When the Institute or a designated person referred to in the preceding paragraph finds that the manufacturing equipment and the inspection equipment for the containers, etc., the quality control method, organization for inspection and method of inspection under item (v) of the preceding Article at the factory or workplace for which the Institute or the designated person has conducted the investigation referred to in the paragraph conform to the respective technical standards specified by the Order of the Ministry of

Economy, Trade and Industry referred to in items (i), (ii) and (iii) of the Article and also conform the method specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 44 or paragraph (1) of Article 49-2, it must issue a document to that effect.

(Renewal of Registration)

Article 49-9 (1) The registration referred to in paragraph (1) of Article 49-5 ceases to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.

(2) The provisions of paragraphs (2), (3), and (4) of Article 49-5 and the provisions of Article 49-6 to the preceding Article apply mutatis mutandis to the renewal of registration provided for in the preceding paragraph.

(Registry of Manufacturers of Containers)

Article 49-10 The Minister of Economy, Trade and Industry must set up a register of manufacturers of containers, etc. regarding those registered persons under paragraph (1) of Article 49-5 (hereinafter referred to as "registered manufacturers of containers, etc.") and must enter the following items in the register:

- (i) Date(s) of first registration and subsequent renewal(s) and registration number; and
- (ii) Those items referred to in items (i) to (iii) of paragraph (2) of Article 49-5.

(Registration Certificate)

Article 49-11 (1) Upon effecting the registration under paragraph (1) of Article 49-5 or its renewal, the Minister of Economy, Trade and Industry issues a registration certificate.

(2) The registration certificate referred to in the preceding paragraph must have the following entries:

- (i) Date of registration or its renewal and registration number;
- (ii) Personal name or business name and address; and
- (iii) Business category regarding containers, etc.

(Notification Report of Change)

Article 49-12 A registered manufacturer of containers, etc. must inform the Minister of Economy, Trade and Industry of any change which has taken place regarding the matters under item (i) or items (iii) to (vi) of paragraph (2) of Article 49-5 without delay; provided, however, that this does not apply if such change is of a minor nature as specified by Order of the Ministry of Economy, Trade and Industry.

(Correction of Registration Certificate)

Article 49-13 In submitting the notification report under the provisions of the preceding Article, a registered manufacturer of containers, etc. must submit the registration certificate for correction along with the notification report if there is any change to the entries of the registration certificate.

(Notification Report of Abolition)

Article 49-14 A registered manufacturer of containers, etc. must inform the Minister of Economy, Trade and Industry of the discontinuation of the registered business without delay when the registered business is discontinued.

(Reissuance of Registration Certificate)

Article 49-15 A registered manufacturer of containers, etc. may apply for and obtain the reissuance of the registration certificate to the Minister of Economy, Trade and Industry if they foul, damage, or lose the registration certificate.

(Loss of Effect of Registration)

Article 49-16 When a registered manufacturer of containers, etc. discontinues their registered business, the registration ceases to be effective.

(Revocation of Registration)

Article 49-17 In the event that a registered manufacturer of containers, etc. falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration concerned:

- (i) When the provisions of paragraph (1) of Article 44, paragraph (3) of Article 45, paragraph (2) of Article 49-3, or Article 49-12 are violated;
- (ii) When the provisions of item (i) or (iii) of Article 49-6 become relevant;
- (iii) When a prohibition or order in accordance with the provisions of paragraph (2) of Article 41, Article 49-26, Article 49-27, or Article 49-30 is violated;
- (iv) When the registration under paragraph (1) of Article 49-5 or its renewal is obtained by fraudulent means; or
- (v) When the valid registration under paragraph (1) of Article 49-31 is revoked.

(Deletion of Registration)

Article 49-18 In the event that the registration of a Registered Manufacturer of Containers, etc. has ceased to be effective, the Minister of Economy, Trade and Industry must delete the registration.

(Return of Registration Certificate)

Article 49-19 In the event that registration of a registered manufacturer of containers, etc. has ceased to be effective, they must return the registration certificate therefor to the Minister of Economy, Trade and Industry without delay.

(Authenticated Copy of Registry of Manufacturers of Containers)

Article 49-20 Anyone may request the Minister of Economy, Trade and Industry to issue an authenticated copy of the registry of manufacturers of containers, etc. or to allow them to peruse the registry.

(Type Approval of Containers or Accessories)

Article 49-21 (1) A registered manufacturer of containers, etc. may obtain approval for the type of container or accessory they intend to manufacture from the Minister of Economy, Trade and Industry.

- (2) Anyone who intends to obtain the approval provided for in the preceding paragraph must submit a written application letter describing the following items to the Minister of Economy, Trade and Industry:
- (i) Personal name or business name, address and, in the case of a corporation, the personal name of its representative;
  - (ii) Date of registration or its renewal; and
  - (iii) Business category of the container or accessory for which registration is sought.
- (3) The written application letter referred to in the preceding paragraph must be accompanied by containers or accessories for testing purposes, the quantities of which are specified by Order of the Ministry of Economy, Trade and Industry, a structural drawing, and other documents specified by Order of the Ministry of Economy, Trade and Industry. However, the submission of a document certifying that the container or accessory for which approval under paragraph (1) is sought has passed the test referred to in paragraph (1) of Article 49-23 suffices.

(Criteria for Approval)

Article 49-22 When the Minister of Economy, Trade and Industry finds that an application for approval under paragraph (1) of the preceding Article falls under any of the following requirements (item (ii) when the application is accompanied by a document certifying the passing of the test under paragraph (1) of the following Article), the Minister must grant the approval:

- (i) The application-related container or accessory for examination conforms to the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories; and
- (ii) The applicant has obtained registration under paragraph (1) of Article 49-5

for the business category to which the containers or accessories related to application belong.

(Test by Designated Container Inspection Agency)

Article 49-23 (1) A registered manufacturer of containers, etc. may request the Institute or a designated container inspection agency to test the container or accessory which they intend to manufacture.

(2) A registered manufacturer of containers, etc. who intends to request the test under the preceding paragraph must submit to the Institute or a designated container inspection agency a written application letter describing the following items as well as the containers or accessories of the quantities specified by Order of the Ministry of Economy, Trade and Industry under paragraph (3) of Article 49-21 and the documents specified by Order of the Ministry of Economy, Trade and Industry under the paragraph:

(i) Personal name or business name, address, and, in the case of a corporation, the personal name of its representative; and

(ii) Business category regarding the containers or accessories for which the test application is made.

(3) In the test referred to in paragraph (1), the containers or accessories to be tested are deemed to pass the test if the containers or accessories conform to the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories.

(4) The provisions of paragraphs (2) and (3) of Article 44 and paragraphs (2) and (3) of Article 49-2 apply mutatis mutandis to a person intending to submit the written application letter provided for in paragraph (2) of this Article. In this case, the phrase "container inspection under the preceding paragraph" in paragraph (2) of Article 44 is deemed to be replaced with "test under paragraph (1) of Article 49-23", the phrase "container inspection under paragraph (1)" in paragraph (3) of the Article is deemed to be replaced with "test under paragraph (1) of Article 49-23", the phrase "accessory inspection under the preceding paragraph" in paragraph (2) of Article 49-2 is deemed to be replaced with "test under paragraph (1) of Article 49-23" and the phrase "accessory inspection under paragraph (1)" in paragraph (3) of the Article is deemed to be replaced with "test under paragraph (1) of Article 49-23".

(Duty to Conform with Standards)

Article 49-24 (1) When a registered manufacturer of containers, etc. who has obtained the approval under paragraph (1) of Article 49-21 intends to manufacture a container or accessory of the type related to the approval, the container must conform to the criteria under paragraph (4) of Article 44 and the accessory must conform to the criteria under paragraph (4) of Article 49-2;



provided, however, that this does not apply to the manufacture of a container serving the usages specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (iii) of paragraph (1) of Article 44 or an accessory serving the usages specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (iii) of paragraph (1) of Article 49-2 or to manufacture conducted for examination usages.

- (2) In accordance with the inspection codes, a registered manufacturer of containers or accessories referred to in the preceding paragraph must conduct inspection of the manufactured containers or accessories (except those manufactured under the proviso of the paragraph), and must prepare inspection records and store them.

(Stamping)

Article 49-25 (1) In the event that a registered container manufacturer which has obtained the approval referred to in paragraph (1) of Article 49-21 has manufactured containers of the type approved, they may stamp the containers as specified by Order of the Ministry of Economy, Trade and Industry if these containers are not containers specified by the Order of the Ministry of Economy, Trade and Industry under paragraph (1) of Article 45.

- (2) In the event that a registered container manufacturer who has obtained the approval referred to in paragraph (1) of Article 49-21 has manufactured containers of the type approved, they may attach a marking plate to each container as specified by Order of the Ministry of Economy, Trade and Industry if these containers are those specified by the Order of the Ministry of Economy, Trade and Industry under paragraph (1) of Article 45.

- (3) In the event that a registered accessory manufacturer who has obtained the approval referred to in paragraph (1) of Article 49-21 has manufactured accessories of the type approved, they may stamp the accessories as specified by Order of the Ministry of Economy, Trade and Industry.

(Prohibition of Stamping)

Article 49-26 In the event that the containers or accessories of the type approved (except those manufactured under the proviso of paragraph (1) of Article 49-24) manufactured by a registered manufacturer of containers, etc. who has received the approval referred to in paragraph (1) of Article 49-21 are deemed not to conform to the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories, the Minister of Economy, Trade and Industry may prohibit the registered manufacturer of containers, etc. from conducting the stamping under paragraph (1) or paragraph (3) of the preceding Article or attaching the marking plate under paragraph (2) of the Article for a specified period not

exceeding one year when they find that such prohibition is particularly necessary to prevent the occurrence of accidents.

(Order for Improvement)

Article 49-27 The Minister of Economy, Trade and Industry may issue an order to a registered manufacturer of containers, etc. to repair or remodel the manufacturing equipment for the containers, etc. or the inspection equipment for the containers, etc. to improve the quality control method and organization for inspection, to change the inspection codes for the containers, etc. and to employ whatever measures are deemed necessary under any of the following cases:

- (i) When the manufacturing equipment for the containers, etc. is deemed not to conform to the technical standards specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (i) of Article 49-7;
- (ii) When the inspection equipment for the containers, etc. is deemed not to conform to the technical standards specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (ii) of Article 49-7;
- (iii) When the quality control method and organization for inspection are deemed not to conform to the technical standards specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (iii) of Article 49-7;
- (iv) When the inspection method referred to in item (v) of Article 49-7 is deemed not to conform the method specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1) of Article 44 or paragraph (1) of Article 49-2;
- (v) When a person who does not have the knowledge and experience that conform with the conditions specified by the Order of the Ministry of Economy, Trade and Industry referred to in item (iv) of Article 49-7 is assigned to conduct the inspection of the containers or accessories; or
- (vi) When the provisions of Article 49-24 are deemed to have been violated.

(Loss of Effect of Approval)

Article 49-28 When the registration of a registered manufacturer of containers, etc. has ceased to be effective, the approval under paragraph (1) of Article 49-21 regarding the registered manufacturer of containers, etc. also ceases to be effective.

(Revocation of Approval)

Article 49-29 In the event that a registered manufacturer of containers, etc. who has obtained the approval under paragraph (1) of Article 49-21 falls under any of the following items, the Minister may revoke the approval:

- (i) When the provisions of paragraph (2) of Article 49-24 are violated;
- (ii) When the prohibition or order provided for in Article 49-26, Article 49-27, or the following Article is violated;
- (iii) When the conditions referred to in paragraph (1) of Article 65 are violated;  
or
- (iv) When the approval under paragraph (1) of Article 49-21 is obtained by fraudulent means.

(Disaster Prevention Order)

Article 49-30 In the event that the containers or accessories of the type approved (except those manufactured under the proviso of paragraph (1) of Article 49-24) manufactured by a registered manufacturer of containers, etc. who has received the approval referred to in paragraph (1) of Article 49-21 do not conform to the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories, and the Minister of Economy, Trade and Industry or prefectural governor finds a risk of a disaster involving the high pressure gas filled in the containers or containers equipped with the accessories, the Minister or prefectural governor may issue an order to the registered manufacturer of containers, etc. who has produced the containers or the accessories to recall the containers or accessories manufactured or to take any other measures required to prevent the spread of a disaster due to the high pressure gas filled in the containers or containers equipped with the accessories if such measures are considered necessary, especially to prevent the spread of a disaster.

(Registration of a Foreign Manufacturer of Containers)

Article 49-31 (1) A person who is engaged in the business of manufacturing containers or accessories abroad for their export to Japan may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in accordance with the business category regarding containers or accessories.

(2) The provisions of paragraphs (2), (3), and (4) of Article 49-5, Articles 49-6 to 49-11, Article 49-16, Article 49-18, and Article 49-20 apply mutatis mutandis to registration under the preceding paragraph while the provisions of paragraph (3) of Article 45, paragraph (2) of Article 49-3, Articles 49-12 to 49-15, Article 49-19, Article 49-23, and Article 49-27 apply mutatis mutandis to a person obtaining registration under the preceding paragraph (hereinafter referred to as "registered foreign manufacturer of containers, etc."). In this case, the phrase "no person" in paragraph (3) of Article 45 and paragraph (2) of Article 49-3 is deemed to be replaced with "a registered foreign manufacturer of containers, etc.", the word "containers" in paragraph (3) of Article 45 is deemed to be replaced with "containers to be exported to Japan", the word "accessories"

in paragraph (2) of Article 49-3 is deemed to be replaced with "accessories to be exported to Japan", the phrase "registry of manufacturers of containers, etc." in Article 49-10 and Article 49-20 is deemed to be replaced with "registry of foreign manufacturers of containers, etc.", and the phrase "to issue an order" in Article 49-27 is deemed to be replaced with "to demand".

(Revocation of Registration of a Registered Foreign Manufacturer of Containers and Other Matters)

Article 49-32 (1) In the event that a registered foreign manufacturer of containers, etc. falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration concerned:

- (i) When the provisions of paragraph (1) of Article 44, paragraph (3) of Article 45 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), paragraph (2) of Article 49-3 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), Article 49-12 which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article, or paragraph (2) of Article 49-24 which is applied mutatis mutandis pursuant to paragraph (2) of the following Article are violated;
- (ii) When the manufacturer comes under the provisions of item (i) or (iii) of Article 49-6, which are applied mutatis mutandis pursuant to paragraph (2) of the preceding Article;
- (iii) When the demand issued under the provisions of Article 49-27 which are applied mutatis mutandis pursuant to paragraph (2) of the preceding Article, or the provisions of Article 49-26 or Article 49-30 which are applied mutatis mutandis pursuant to paragraph (2) of the following Article is not complied with;
- (iv) When the report required of a registered foreign manufacturer of containers, etc. by the Minister of Economy, Trade and Industry on the former's state of business or finance as specified by a Cabinet Order within the limit necessary for enforcement of this Act is not submitted or when a false report is submitted;
- (v) When an intended inspection of the account books, documents, and other items or questioning of the persons concerned by a staff member of the Ministry of Economy, Trade and Industry assigned by the Minister of Economy, Trade and Industry within the limits necessary for enforcement of this Act at an office, business office, factory, storage place of containers or accessories to be exported to Japan or any other place of business of a registered foreign manufacturer of containers, etc. is refused, prevented, or avoided or no reply is made or a false reply is made to a question posed by the staff member;

- (vi) When regarding a demand issued by the Minister of Economy, Trade and Industry to a registered foreign manufacturer of containers, etc. to submit within a specified period the containers or accessories, for the purpose of inspection under the provisions of the preceding item, it is deemed that it would be extremely difficult to have a staff member conduct the inspection at their location is deemed, and the demand is not complied with;
  - (vii) When the registration referred to in paragraph (1) of the preceding Article or its renewal is obtained by fraudulent means; or
  - (viii) When the valid registration obtained under paragraph (1) of Article 49-5 is revoked.
- (2) The Government of Japan must compensate a registered foreign manufacturer of containers, etc. for the latter's loss caused by a demand made under the provisions of item (vi) of the preceding paragraph. In this case, the loss to be compensated is to be the loss which is normally expected to occur as a result of a demand issued under the provisions of the item.

(Type Approval of Containers Regarding a Registered Foreign Manufacturer of Containers)

- Article 49-33 (1) A registered foreign manufacturer of containers, etc. may obtain type approval by the Minister of Economy, Trade and Industry for containers or accessories which they intend to manufacture for their export to Japan.
- (2) The provisions of paragraphs (2) and (3) of Article 49-21 and Articles 49-22 and 49-28 apply mutatis mutandis to approval under the preceding paragraph while the provisions of Articles 49-24 to 49-26 and Article 49-30 apply mutatis mutandis to a person obtaining approval under the preceding paragraph. In this case, the phrase "paragraph (1) of Article 49-5" in item (ii) of Article 49-22 is deemed to be replaced with "paragraph (1) of Article 49-31", the phrase "a container or accessory of the type related to the approval" in paragraph (1) of Article 49-24 is deemed to be replaced with "a container or accessory of the type related to the approval and to be exported to Japan", the phrases "a registered manufacturer of containers" and "containers of the type approved" in paragraphs (1) and (2) of Article 49-25 are deemed to be replaced with "a registered foreign manufacturer of containers" and "containers of the type approved and to be exported to Japan" respectively, the phrases "a registered manufacturer of accessories" and "accessories of the type approved" in paragraph (3) of the Article are deemed to be replaced with "a registered foreign manufacturer of accessories" and "accessories of the type approved and to be exported to Japan" respectively, the phrases "containers or accessories" and "for a specified period" in Article 49-26 are deemed to be replaced with "containers or accessories to be exported to Japan" and "containers or

accessories to be exported to Japan within a specified period" respectively and the phrase "to issue an order" in Article 49-30 is deemed to be replaced with "to demand".

(Revocation of Approval Regarding a Registered Foreign Manufacturer of Containers)

Article 49-34 In the event a Registered Foreign Manufacturer of Containers, etc. that has been approved under paragraph (1) of the preceding Article falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the approval concerned:

- (i) When the provisions of Article 49-12 which are applied mutatis mutandis pursuant to paragraph (2) of Article 49-31 or the provisions of paragraph (2) of Article 49-24 which are applied pursuant to paragraph (2) of the preceding Article are violated;
- (ii) When a demand made under the provisions of Article 49-27 which are applied mutatis mutandis pursuant to paragraph (2) of Article 49-31, or under the provisions of Article 49-26 or Article 49-30 which are applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is not complied with;
- (iii) When the conditions referred to in paragraph (1) of Article 65 are violated;  
or
- (iv) When the approval under paragraph (1) of the preceding Article is obtained by fraudulent means.

(Accident Prevention Order)

Article 49-35 In the event that the containers or accessories of the type approved under paragraph (1) of Article 49-33 (excluding those manufactured under the proviso of paragraph (1) of Article 49-24 which is applied mutatis mutandis pursuant to paragraph (2) of Article 49-33) manufactured by a registered foreign manufacturer of containers, etc. who has received the approval referred to in paragraph (1) of Article 49-33 do not conform to the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories, and the Minister of Economy, Trade and Industry or prefectural governor finds a risk of occurrence of a disaster due to the high pressure gas filled in the containers or containers equipped with the accessories, the Minister or prefectural governor may issue an order to an importer of the containers or accessories to recall the imported containers or accessories or to take any other measures required to prevent the spread of a disaster due to the high pressure gas filled in the containers or containers equipped with the accessories if such measures are considered necessary, especially to prevent the spread of an accident.

(Registration of a Container Inspection Station)

- Article 50 (1) The registration of a container inspection station ceases to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) A person who falls under any of the following items is not eligible for the registration of a container inspection station or its renewal.
- (i) A person specified in Article 7, item (i) or (ii);
  - (ii) A person whose registration of a container inspection station has been revoked under the provisions of Article 53 and for whom two years have not passed from the date of revocation;
  - (iii) A person specified by Order of the Ministry of Economy, Trade and Industry as a person incapable of properly conducting container re-inspection or accessory re-inspection due to mental or physical disorders; or
  - (iv) A corporation, for which any of whose officers assigned to conduct the business fall under any of the preceding three items.
- (3) Where there is an application for the registration of a container inspection station or its renewal, the Minister of Economy, Trade and Industry must conduct the registration or renewal thereof if the relevant inspection facilities are deemed to be in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.
- (4) When effecting the registration of a container inspection station or its renewal, the Minister of Economy, Trade and Industry may restrict the type of containers or accessories which can be re-inspected in that container inspection station if it is found particularly necessary for the proper implementation of the container re-inspection or accessory re-inspection.

(Duties of a Person Who Has Registered Their Container Inspection Station)

- Article 51 (1) A person with a registered container inspection station must conduct the container re-inspection or accessory re-inspection without delay, except where there is a justifiable reason, whenever such re-inspection is requested.
- (2) A person with a registered container inspection station must maintain the inspection facilities thereof so as to conform to the technical standards under paragraph (3) of the preceding Article.

(Chief Inspector)

- Article 52 (1) For each container inspection station, a person with a registered container inspection station must appoint a chief inspector from among those with the knowledge and experience that conform with the conditions as

specified by Order of the Ministry of Economy, Trade and Industry, or from among the holders of the production safety manager certificate, and assign them to supervise the implementation of container re-inspection or accessory re-inspection.

- (2) Upon appointment of a chief inspector under the preceding paragraph, a person with a registered container inspection station must submit a notification report of such appointment to the Minister of Economy, Trade and Industry without delay. The same applies to their dismissal.
- (3) A chief inspector must conscientiously perform their duties.
- (4) In the event that a chief inspector has violated any provisions of this Act or any order pursuant thereto or their performance of duty is deemed likely to interfere with the proper implementation of the container re-inspection or accessory re-inspection, the Minister of Economy, Trade and Industry may order the person with a registered container inspection station to dismiss such chief inspector.

(Revocation of Registration, etc.)

Article 53 The Minister of Economy, Trade and Industry may revoke the registration or order a suspension of the re-inspection of containers or accessories for a specified period, in the event that a person with a registered container inspection station falls under any of the following items:

- (i) When they fall under item (ii) of Article 7 or paragraph (2), item (iii) or (iv) of Article 50;
- (ii) When they violate any provisions of paragraphs (3) to (5) of Article 49, paragraph (3) or (4) of Article 49-4, Article 51, or paragraph (1) of the preceding Article;
- (iii) When they violate the restriction under paragraph (4) of Article 50 or the order under the provisions of paragraph (4) of the preceding Article;
- (iv) When they fail to keep the books as required under paragraph (1) of Article 60 or make a false description therein; or
- (v) When the permission under paragraph (1) of Article 5 given to a person with a registered container inspection station has been revoked subject to any provisions of items (i) to (v) of paragraph (1) of Article 38, provided that they are a Class 1 Producer.

(Change in the Type or Pressure of High Pressure Gas to be Filled in Containers)

Article 54 (1) An owner of a container who intends to change the type or pressure of the high pressure gas to be filled therein must apply to the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection agency regarding activities that should be conducted such



as stamping, etc.

- (2) Where there is an application under the preceding paragraph and the container after such change is deemed to conform to the standards under paragraph (4) of Article 44, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection agency must promptly provide the stamping, etc. for the container. In this case, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection agency must erase the previous stamping, etc. on that container.
- (3) When the stamping, etc. under the preceding paragraph has been received, the applicant under paragraph (1) must mark such container under paragraph (1) of Article 46 without delay in accordance with Order of the Ministry of Economy, Trade and Industry.

#### Article 55 Deletion

(Scrapping or Other Disposition)

- Article 56 (1) If the containers that have not passed the container inspection are still deemed not to conform to the standards under paragraph (4) of Article 44 even with a change of the type or pressure of the high pressure gas to be filled therein, the Minister of Economy, Trade and Industry may order the owner thereof to scrap or otherwise dispose of them so as to make them unusable as containers.
- (2) If the containers that have not passed the container inspection conducted by the Institute or a designated container inspection agency are deemed not to conform with the standards under paragraph (4) of Article 44 even with a change of the type or pressure of the high pressure gas to be filled therein, the Institute or a designated container inspection agency which inspected such containers must report the matter to the Minister of Economy, Trade and Industry without delay.
  - (3) Regarding the containers that have not passed the container re-inspection, if such containers bear no stamping, etc. under paragraph (2) of Article 54 within three months, the owner must scrap or otherwise dispose of them without delay so as to make them unusable as containers.
  - (4) The provisions of the preceding three paragraphs apply mutatis mutandis to the accessories rejected by the inspection or re-inspection thereof. In this case, the word "therein" and the phrase "paragraph (4) of Article 44" in paragraphs (1) and (2) are deemed to be replaced with "in the containers on which such accessories are installed" and "paragraph (4) of Article 49-2" respectively and the phrase "if such containers bear no stamping, etc. under paragraph (2) of Article 54 within three months" in the preceding paragraph is to be deleted.
  - (5) A person disposing of containers or accessories must dispose of them by

scrapping them or other means which make such containers or accessories unusable.

(Notification Report of Discontinuation of Container Inspection Station)

Article 56-2 Upon discontinuation of the business of re-inspecting containers or accessories, a person with a registered container inspection station must submit a notification report of the matter to the Minister of Economy, Trade and Industry without delay.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 56-2-2 Beyond what is provided for in this Section, procedures for container inspection, procedures for accessories inspection and other necessary procedural matters for carrying out the provisions of this Section shall be prescribed by Order of the Ministry of Economy, Trade and Industry.

## **Section 2 Specified Equipment**

(Specified Equipment Inspection)

Article 56-3 (1) A person who manufactures equipment for which inspection of its design or material quality or inspection in the process of its manufacturing is deemed particularly necessary for the prevention of explosions or other disasters due to high pressure gas among equipment for high pressure gas production (including storage incidental thereto) must subject the specified equipment to the specified equipment inspection conducted by the Minister of Economy, Trade and Industry, the Institute, or an agency designated by the Minister of Economy, Trade and Industry (hereinafter referred to as "designated inspection agency for specified equipment") for each manufacturing step specified by Order of the Ministry of Economy, Trade and Industry. Provided, however, this provision does not apply to the following specified equipment:

- (i) The specified equipment (excluding that specified by Order of the Ministry of Economy, Trade and Industry) which is manufactured by a person engaged in the business of manufacturing the specified equipment and registered under paragraph (1) of Article 56-6-2 (hereinafter referred to as "registered manufacturer of specified equipment"), provided that the equipment is covered by the specified equipment standards conformity certificate issued under the provisions of paragraph (2) of Article 56-6-14;
  - (ii) Specified equipment for export or other usages specified by Order of the Ministry of Economy, Trade and Industry.
- (2) Without delay, and in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry, any person who has imported the specified

equipment must subject such specified equipment to the specified equipment inspection conducted by the Minister of Economy, Trade and Industry, the Institute, or a designated inspection agency for specified equipment; provided, however, that this does not apply to the following cases:

- (i) When the specified equipment (except that specified by Order of the Ministry of Economy, Trade and Industry referred to in item (i) of the preceding paragraph) which is manufactured by a person engaged in the business of manufacturing the specified equipment abroad for export to Japan, and registered under paragraph (1) of Article 56-6-22 (hereinafter referred to as "registered foreign manufacturer of specified equipment") is imported, provided that the equipment is covered by the specified equipment standards conformity certificate under the provisions of paragraph (2) of Article 56-6-14 which is applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22; or
  - (ii) When an application for the specified equipment inspection under the following paragraph is made for the specified equipment.
- (3) Foreign manufacturers of the specified equipment to be furnished for export to Japan may apply for the specified equipment inspection of their products to be conducted by the Minister of Economy, Trade and Industry, the Institute, or a designated inspection agency for the specified equipment in accordance with Order of the Ministry of Economy, Trade and Industry. In this case, a person requesting the specified equipment inspection must apply for it before importing the specified equipment.
- (4) Upon completing the specified equipment inspection provided for in the preceding three paragraphs in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry, if the Minister of Economy, Trade and Industry, the Institute, or a designated inspection agency for the specified equipment finds that the specified equipment is in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry, the specified equipment pass the Inspection.

(Specified Equipment Inspection Certificate)

- Article 56-4 (1) When the specified equipment has successfully passed the specified equipment inspection, the Minister of Economy, Trade and Industry, the Institute, or a designated inspection agency for specified equipment must promptly issue the specified equipment inspection certificate to the person who has undergone the specified equipment inspection.
- (2) The specified equipment inspection certificate must not be transferred or lent to others; provided, however, that this does not apply when the certificate is transferred together with the specified equipment.
  - (3) A person who has received the specified equipment inspection certificate may

request reissuance thereof in the case of the staining of, damage to, or loss of the certificate by: applying to the Minister of Economy, Trade and Industry through the prefectural governor who has jurisdiction over the location of the specified equipment if the certificate was issued by the Minister of of Economy, Trade and Industry; applying to the Institute if the certificate was issued by the Institute; or by applying to the designated inspection agency for specified equipment if the certificate was issued by the designated inspection agency for the specified equipment.

- (4) The format of the specified equipment inspection certificate is specified by Order of the Ministry of Economy, Trade and Industry.

(Marking)

Article 56-5 (1) When a person who has undergone the specified equipment inspection has been issued the specified equipment inspection certificate under paragraph (1) of the preceding Article, they must mark such specified equipment without delay in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry.

- (2) Beyond the case provided for in the preceding paragraph (including the case where applied *mutatis mutandis* pursuant to paragraph (1) of Article 56-6-15), it is prohibited for any person to mark the specified equipment as in the paragraph or make any similar marking which can be confused therewith.

(Return of Specified Equipment Inspection Certificate)

Article 56-6 A person who has been issued the specified equipment inspection certificate must return it without delay to the Minister of the Economy, Trade and Industry, the Institute, or the designated inspection agency for specified equipment in any of the following cases:

- (i) When the specified equipment has been lost;
- (ii) When the specified equipment has been exported;
- (iii) When the specified equipment has been scrapped or otherwise disposed of so as not to be used as the specified equipment; or
- (iv) When the lost certificate has been recovered after the reissuance of the specified equipment inspection certificate.

(Registration of Manufacturer of Specified Equipment)

Article 56-6-2 (1) A person who is engaged in the business of manufacturing the specified equipment may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in accordance with the category of the manufacturing business of the specified equipment specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "specified equipment business category").

- (2) Any person who intends to register under the preceding paragraph must submit a written application letter therefor describing the following items to the Minister of Economy, Trade and Industry:
- (i) Personal name or business name, address and, in the case of a corporation, the personal name of its representative;
  - (ii) Specified equipment business category ;
  - (iii) Name and address of the factory or workplace where the specified equipment is manufactured;
  - (iv) Name, specification, and quantity of equipment which is used for the production of the specified equipment and which is specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "manufacturing equipment for the specified equipment");
  - (v) Name, specification, and quantity of equipment which is used for the inspection of the specified equipment and which is specified by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "inspection equipment for the specified equipment"); and
  - (vi) Items which are related to the quality control method and inspection organization of the specified equipment and which are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) In the written application letter set forth in the preceding paragraph, rules setting forth the method to inspect the specified equipment (hereinafter referred to as "inspection rules for the specified equipment"), drawings of the factory or workplace, and other documents specified by Order of the Ministry of Economy, Trade and Industry must be attached.
- (4) A person who has made an application in accordance with the provisions of paragraph (2) above must undergo the inspection by the Minister of Economy, Trade and Industry for the manufacturing equipment for the specified equipment, the inspection equipment for the specified equipment, the quality control method, inspection organization, and inspection method referred to in item (v) of paragraph (1) of Article 56-6-4 at the factory or workplace; provided, however, that this does not apply when the application letter referred to in the paragraph is accompanied by the documents referred to in paragraph (2) of Article 56-6-5.

(Disqualification Clause)

Article 56-6-3 Any person who falls under any of the following items is disqualified from registration under paragraph (1) of the preceding Article:

- (i) A person for whom two years have not yet passed from the date of their completing the execution period of a punishment, severer than a fine, imposed for violating this Act or the provisions of an order pursuant to this Act, or from the date of the execution becoming invalid;

- (ii) A person for whom two years have not yet passed from the date of the revocation of registration in accordance with the provisions of Article 56-6-18 or Article 56-6-23; or
- (iii) A corporation, for which any of whose officers assigned to conduct the business fall under the preceding two items.

(Criteria for Registration)

Article 56-6-4 (1) In the event that an application for registration under paragraph (1) of Article 56-6-2 is deemed to fall under any or all of the following items, the Minister of Economy, Trade and Industry must register the applicant:

- (i) The manufacturing equipment for the specified equipment conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
  - (ii) The inspection equipment for the specified equipment conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
  - (iii) The quality control method and inspection organization conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
  - (iv) Persons who have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry conduct the inspection of the specified equipment and the number of such persons is not less than the number specified by Order of the Ministry of Economy, Trade and Industry; and
  - (v) The inspection method of the specified equipment specified by the inspection rules for the specified equipment conforms to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in paragraph (4) of Article 56-3.
- (2) At the time of registration being made under paragraph (1) of Article 56-6-2, The Minister of Economy, Trade and Industry may restrict the manufacturing processes of the specified equipment which can be inspected by a registered manufacturer of the specified equipment, when they find such restriction necessary to ensure the proper execution of the inspection of the specified equipment.

(Investigation by the Institute)

Article 56-6-5 (1) A person who is engaged in the business of manufacturing the specified equipment may request the Institute or a person designated by the Minister of Economy, Trade and Industry to conduct an investigation of the manufacturing equipment for the specified equipment, the inspection

equipment for the specified equipment, and the quality control method, inspection organization, and method of inspection as referred to in item (v) of paragraph (1) of the preceding Article at the factory or workplace in relation to the application for registration referred to in paragraph (1) of Article 56-6-2.

- (2) When the Institute or a person designated as referred to in the preceding paragraph finds that the manufacturing equipment for the specified equipment, the inspection equipment for the specified equipment, and the quality control method, organization for inspection, and method of inspection as referred to in item (v) of paragraph (1) of the preceding Article at the factory or workplace for which the Institute or the person designated has conducted the investigation referred to in the paragraph conform to the respective technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in items (i), (ii), and (iii) of the paragraph and also conform to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in paragraph (4) of Article 56-3, it must issue a document to that effect.
- (3) Upon completing the investigation provided for in paragraph (1) above, the Institute or a person designated as referred to in the paragraph may request the Minister of Economy, Trade and Industry to restrict the manufacturing processes of the specified equipment which can be inspected by a registered manufacturer of specified equipment, at the time of registration being made under paragraph (1) of Article 56-6-2, when they find such restriction is necessary to ensure the proper execution of the inspection of the specified equipment.

(Renewal of Registration)

- Article 56-6-6 (1) The registration referred to in paragraph (1) of Article 56-6-2 ceases to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) The provisions of paragraphs (2), (3), and (4) of Article 56-6-2 and Article 56-6-3 through the preceding Article apply mutatis mutandis to the renewal of registration provided for in the preceding paragraph.

(Registry of Manufacturers of the Specified Equipment)

Article 56-6-7 The Minister of Economy, Trade and Industry must set up a register of manufacturers of the specified equipment regarding registered manufacturers of the specified equipment and must enter the following items in the register:

- (i) Date(s) of first registration and subsequent renewal(s) and registration number; and
- (ii) Those items referred to in items (i) to (iii) of paragraph (2) of Article 56-6-2.

(Registration Certificate)

Article 56-6-8 (1) Upon effecting the registration under paragraph (1) of Article 56-6-2 or its renewal, the Minister of Economy, Trade and Industry issues the registration certificate.

(2) The registration certificate referred to in the preceding paragraph must have the following entries:

- (i) Date of the first registration or its renewal and registration number;
- (ii) Personal name or business name and address; and
- (iii) Specified equipment business category .

(Notification Report of Change)

Article 56-6-9 A registered manufacturer of the specified equipment must inform the Minister of Economy, Trade and Industry of any change which has taken place to the matters under item (i) or items (iii) to (vi) of paragraph (2) of Article 56-6-2 or any change made in the inspection rules for the specified equipment without delay; provided, however, that this does not apply if such change is of a minor nature as specified by Order of the Ministry of Economy, Trade and Industry.

(Correction of Registration Certificate)

Article 56-6-10 In submitting the notification report pursuant to the provisions of the preceding Article, a registered manufacturer of the specified equipment must submit the registration certificate for correction along with the notification report if there is any change to the entries of the registration certificate.

(Notification Report of Discontinuation)

Article 56-6-11 A registered manufacturer of the specified equipment must inform the Minister of Economy, Trade and Industry of the discontinuation of the registered business without delay if the registered business is discontinued.

(Reissuance of Registration Certificate)

Article 56-6-12 A registered manufacturer of the specified equipment may apply to the Minister of Economy, Trade and Industry for the reissuance of the registration certificate if they stain, damage, or lose the registration certificate, and may obtain a reissued registration certificate.

(Duty to Conform to Standards)

Article 56-6-13 (1) When a registered manufacturer of the specified equipment intends to manufacture the specified equipment of the registered business



category, the specified equipment must conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in paragraph (4) of Article 56-3; provided, however, that this does not apply to the specified equipment serving the usages specified by Order of the Ministry of Economy, Trade and Industry as referred to in item (ii) of paragraph (1) of the Article.

- (2) In accordance with the inspection rules for the specified equipment, a registered manufacturer of specified equipment under the preceding paragraph must conduct inspection of the specified equipment referred to in the paragraph which they intend to manufacture (excluding those to be manufactured pursuant to the provisions of the proviso of the paragraph), prepare inspection records, and store them.

(Specified Equipment Standards Conformity Certificate)

Article 56-6-14 (1) When a registered manufacturer of specified equipment has manufactured the specified equipment of the registered business category, they may request the issuance of the specified equipment standards conformity certificate by submitting the inspection records of the specified equipment describing the items specified by Order of the Ministry of Economy, Trade and Industry to the Minister of Economy, Trade and Industry, the Institute, or a designated inspection agency for the specified equipment.

- (2) Upon receiving the inspection records referred to in the preceding paragraph from a registered manufacturer of specified equipment, the Minister of Economy, Trade and Industry, the Institute, or a designated inspection agency for the specified equipment must issue the specified equipment standards conformity certificate if it is found by the submitted inspection records that the specified equipment conform to the standards specified by Order of the Ministry of Economy, Trade and Industry as referred to in paragraph (4) of Article 56-3.

- (3) The format of the specified equipment standards conformity certificate is specified by Order of the Ministry of Economy, Trade and Industry.

- (4) The provisions of paragraphs (2) and (3) of Article 56-4 apply mutatis mutandis to the specified equipment standards conformity certificate.

(Marking)

Article 56-6-15 (1) The provisions of paragraph (1) of Article 56-5 apply mutatis mutandis to a person submitting the inspection records referred to in paragraph (1) of the preceding Article (including the cases where applied pursuant to paragraph (2) of Article 56-6-22). In this case, the phrases "paragraph (1) of the preceding Article" and "specified equipment inspection certificate" in paragraph (1) of Article 56-5 are deemed to be replaced with

"paragraph (2) of Article 56-6-14" and "specified equipment standards conformity certificate" respectively.

- (2) The provisions of Article 56-6 apply mutatis mutandis to a person to whom the specified equipment standards conformity certificate has been issued.

(Order for Improvement)

Article 56-6-16 The Minister of Economy, Trade and Industry may issue an order to a registered manufacturer of specified equipment to repair or remodel the manufacturing equipment for the specified equipment or the inspection equipment for the specified equipment, to improve the quality control method and inspection organization, to change the inspection rules for the specified equipment, and to take whatever measures are deemed necessary under any of the following cases:

- (i) When the manufacturing equipment for the specified equipment is deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in item (i) of paragraph (1) of Article 56-6-4;
- (ii) When the inspection equipment for specified equipment is deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in item (ii) of paragraph (1) of Article 56-6-4;
- (iii) When the quality control method and the organization for inspection are deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in item (iii) of paragraph (1) of Article 56-6-4;
- (iv) When the inspection method referred to in item (v) of paragraph (1) of Article 56-6-4 is deemed not to conform to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in paragraph (4) of Article 56-3;
- (v) When a person who does not have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry referred to in item (iv) of paragraph (1) of Article 56-6-4 is assigned to conduct the inspection of the specified equipment;
- (vi) When the provisions of Article 56-6-13 are deemed to have been violated; or
- (vii) When an accident due to high pressure gas has taken place involving the specified equipment for which the specified equipment standards conformity certificate has been issued under the provisions of paragraph (2) of Article 56-6-14 (hereinafter referred to as "self-inspected specified equipment") and when such accident is found to have been caused by a defect of the self-inspected specified equipment.

(Loss of Effect of Registration)

Article 56-6-17 When a registered manufacturer of the specified equipment has discontinued their registered business, the relevant registration also ceases to be effective.

(Revocation of Registration)

Article 56-6-18 In the event that a registered manufacturer of the designated equipment falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration:

- (i) When the provisions of paragraph (2) of Article 56-4 which are applied mutatis mutandis pursuant to paragraph (4) of Article 56-6-14, paragraph (2) of Article 56-5, or Article 56-6-13 are violated;
- (ii) When any of the provisions of item (i) or item (iii) of Article 56-6-3 become relevant;
- (iii) When an order issued in accordance with the provisions of Article 56-6-16 is violated;
- (iv) When the registration under paragraph (1) of Article 56-6-2 or its renewal is obtained by fraudulent means; or
- (v) When the valid registration under paragraph (1) of Article 56-6-22 is revoked.

(Deletion of Registration)

Article 56-6-19 In the event that the registration of a registered manufacturer of the specified equipment has become invalid, the Minister of Economy, Trade and Industry must delete the registration.

(Return of Registration Certificate)

Article 56-6-20 In the event that registration of a registered manufacturer of the specified equipment has ceased to be valid, the registered manufacturer must return the registration certificate therefor to the Minister of Economy, Trade and Industry without delay.

(Transcript of Registry of Manufacturers of the Specified Equipment)

Article 56-6-21 Anyone may request the Minister of Economy, Trade and Industry to issue an authenticated copy of the registry of manufacturers of specified equipment or inspect the registry.

(Registration of Foreign Manufacturer of the Specified Equipment)

Article 56-6-22 (1) A person who is engaged in the business of manufacturing the specified equipment abroad for export to Japan may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in

accordance with the business category regarding the specified equipment.

- (2) The provisions of paragraphs (2) to (4) of Article 56-6-2, Articles 56-6-3 to 56-6-8, Article 56-6-17, Article 56-6-19, and the preceding Article apply mutatis mutandis to registration under the preceding paragraph while the provisions of paragraph (2) of Article 56-5, Articles 56-6-9 to 56-6-13, paragraphs (1) and (2) of Article 56-6-14, Article 56-6-16, and Article 56-6-20 apply mutatis mutandis to a registered foreign manufacturer of the specified equipment. In this case, the phrase "no person" in paragraph (2) of Article 56-5 is deemed to be replaced with "no registered foreign manufacturer of the specified equipment", the phrase "the specified equipment" in paragraph (2) of Article 56-5 is deemed to be replaced with "the specified equipment to be exported to Japan", the phrase "registry of manufacturers of the specified equipment" in Article 56-6-7 and the preceding Article is deemed to be replaced with "registry of foreign manufacturers of the specified equipment", and the phrase "to issue an order" in Article 56-6-16 is deemed to be replaced with "to demand."

(Revocation of a Registration of Registered Foreign Manufacturer of the Specified Equipment)

Article 56-6-23 In the event that a registered foreign manufacturer of the specified equipment falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration:

- (i) When the provisions of paragraph (2) of Article 56-4 which are applied mutatis mutandis pursuant to paragraph (4) of Article 56-6-14, paragraph (2) of Article 56-5 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article) or Article 56-6-13 which are applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are violated;
- (ii) When the provisions of item (i) or (iii) of Article 56-6-3, which are applied mutatis mutandis pursuant to paragraph (2) of the preceding Article become relevant;
- (iii) When the demand made under the provisions of Article 56-6-16 which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is not complied with;
- (iv) When the report required by the Minister of Economy, Trade and Industry of a registered foreign manufacturer of the specified equipment on the latter's state of business or finance as specified by a Cabinet Order within the limits necessary for enforcement of this Act is not submitted or when a false report is submitted;
- (v) When an intended inspection of the account books, documents, and other items or questioning of the persons concerned within the limits necessary for enforcement of this Act by staff members of the Ministry of Economy, Trade

and Industry assigned by the Minister of Economy, Trade and Industry at an office, business office, factory, storage place of the specified equipment to be exported to Japan or any other place of business of a registered foreign manufacturer of the specified equipment is refused, prevented, or avoided or no reply is made or a false reply is made to a question posed by the staff members;

- (vi) When the registration referred to in paragraph (1) of the preceding Article or its renewal is obtained by fraudulent means; or
- (vii) When the valid registration obtained under paragraph (1) of Article 56-6-2 is revoked.

### **Section 3 Designated Equipment**

(Accreditation of the Designated Equipment)

Article 56-7 (1) Manufacturers of such equipment specified by a Cabinet Order as having no risk of interfering with the maintenance of public safety and the prevention of disasters among equipment for the production (including storage incidental thereto) of high pressure gas (such equipment is hereinafter referred to as "designated equipment"), importers of the designated equipment, and foreign manufacturers of the same to be exported to Japan can receive for accreditation of the designated equipment to the Minister of Economy, Trade and Industry, the Institute, or an agency designated by the Minister of Economy, Trade and Industry (hereinafter referred to as "accreditation agency for designated equipment") in accordance with Order of the Ministry of Economy, Trade and Industry.

(2) Where there is an application for the accreditation of designated equipment under the preceding paragraph, the Minister of Economy, Trade and Industry, the Institute, or an accreditation agency for designated equipment is to give accreditation if such designated equipment is in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(Designated Equipment Accreditation Certificate)

Article 56-8 (1) When the Minister of Economy, Trade and Industry, the Institute, or an accreditation agency for designated equipment has accredited designated equipment pursuant to the provisions of paragraph (2) of the preceding Article, it must promptly issue a designated equipment accreditation certificate to the person who applied for accreditation.

(2) The format for a designated equipment accreditation certificate is specified by Order of the Ministry of Economy, Trade and Industry.

(3) The provisions of paragraphs (2) and (3) of Article 56-4 apply mutatis mutandis to a designated equipment accreditation certificate. In this case, the

term "designated inspection agency for the specified equipment" in the paragraph is deemed to be replaced with "accreditation agency for the designated equipment."

(Corresponding Applications)

Article 56-9 (1) The provisions of Article 56-5 apply mutatis mutandis to the person who has been given accreditation of designated equipment. In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of the Article is deemed to be replaced with "paragraph (1) of Article 56-8" and the phrase "specified equipment inspection certificate" is deemed to be replaced with "designated equipment accreditation certificate" in paragraph (1) of Article 56-5.

(2) The provisions of Article 56-6 apply mutatis mutandis to the person who has been given a specified equipment accreditation certificate. In this case, the term "designated inspection agency for the specified equipment" in the Article is deemed to be replaced with "accreditation agency for the designated equipment."

#### **Section 4 Refrigeration Apparatuses**

(Manufacture of Apparatuses used in Refrigeration Equipment)

Article 57 Any person who intends to engage in the business of manufacturing apparatuses to be exclusively used in refrigeration equipment and specified by Order of the Ministry of Economy, Trade and Industry (this person is hereinafter referred to as "apparatus manufacturer") must manufacture apparatuses in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry to ensure that the equipment using such apparatuses conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in item (i) of Article 8, or paragraph (1) of Article 12.

Article 58 Deletion

Article 58-2 Deletion

#### **Chapter IV-2 Designated Examining Agency** **Section 1 Designated Examining Agency**

(Designation)

Article 58-3 Designation under paragraph (1) of Article 31-2 is granted in accordance with Order of the Ministry of Economy, Trade and Industry in

response to an application filed by a person planning to conduct the examination service.

(Disqualification Clause)

Article 58-4 Any person who falls under any of the following items is disqualified from designation under paragraph (1) of Article 31-2:

- (i) A person for whom two years have not yet passed from the date of their completing the execution period of a punishment, severer than a fine, imposed for violating this Act or the provisions of an order pursuant to this Act, or from the date of such execution becoming invalid;
- (ii) A person whose appointment was revoked under paragraph (2) of Article 58-15 and for whom two years have not passed from the date of revocation; or
- (iii) A corporation, for which any of whose officers fall under any of the following situations:
  - (a) A person who falls under the item (i); or
  - (b) A person who was dismissed from office by an order pursuant to Article 58-11 and for whom two years have not passed from the date of such dismissal.

(Standards for Designation)

Article 58-5 The Minister of Economy, Trade and Industry must not approve the designation under paragraph (1) of Article 31-2 unless they find that the relevant application for such designation satisfies all of the following items:

- (i) The plan for implementing the examination services with respect to the staff, facilities, method of the implementation, and other related matters is appropriate for proper implementation of the examination services;
- (ii) The applicant has sufficient financial base and technological capability to properly carry out the plan for implementing the examination services referred to in the preceding item;
- (iii) The applicant is a general incorporated association or general incorporated foundation; and
- (iv) If the applicant is conducting any service other than the examination services, there is to be no risk of unfair examination services being implemented because of such any other service.

(Notification Report of Change)

Article 58-6 (1) Whenever it changes its name or the place of its principal office, a designated examining agency must submit a notification report thereof to the Minister of Economy, Trade and Industry at least two weeks prior to the date of the intended change.

(2) Whenever it changes its name or the place of principal office, a designated

examining agency must submit a notification report thereof to the prefectural governor who consigned the examination service in accordance with paragraph (1) of Article 31-2 (hereinafter referred to as "consigning prefectural governor") at least two weeks prior to the date of intended change. Likewise, whenever changing the place of any office handling the examination services, a designated examining agency must submit a notification report thereof to the related consigning prefectural governor at least two weeks prior to the date of intended change.

(Examination Service Rules)

Article 58-7 (1) A designated examining agency must prepare its own rules for implementation of the examination services (hereinafter referred to as "examination service rules"), and must have them approved by the Minister of Economy, Trade and Industry. The same applies when a designated examining agency changes the examination service rules.

(2) A designated examining agency must consult with the consigning prefectural governor to hear their opinion whenever changing the examination service rules in accordance with the provisions of the second sentence of the preceding paragraph.

(3) Matters to be prescribed in the examination service rules are specified by Order of the Ministry of Economy, Trade and Industry.

(4) If the examination service rules as authorized in paragraph (1) are found to have become inappropriate for the fair implementation of the examination services, the Minister of Economy, Trade and Industry may order the designated examining agency to change such examination service rules.

(Suspension or Abolition of Examination Services)

Article 58-8 (1) Unless it has obtained the permission of the Minister of Economy, Trade and Industry, a designated examining agency must not suspend or discontinue the examination services either wholly or partially.

(2) The permission set forth in the preceding paragraph must not be given by the Minister of Economy, Trade and Industry unless such suspension or abolition in whole or in part is deemed to have no risk of adversely affecting the proper and unfailing implementation of the examination services.

(3) Before giving the permission under paragraph (1), the Minister of Economy, Trade and Industry must seek the opinion of the related consigning prefectural governor.

(4) Upon the granting of permission under paragraph (1), the Minister of Economy, Trade and Industry must notify the consigning prefectural governor concerned of the granting of permission.



(Business Plan)

- Article 58-9 (1) Prior to the start of every business year (or without delay after the date of authorization in the case of the business year in which authorization under paragraph (1) of Article 31-2 was granted), a designated examining agency must prepare its business plan and an estimate of revenues and expenditures for the business year, and must obtain the authorization of the Minister of Economy, Trade and Industry. Authorization is likewise required when the plan or estimate is changed.
- (2) When preparing or changing its business plan and the estimate of revenues and expenditures, a designated examining agency must seek the opinion of the Consigning Prefectural Governor.
- (3) Within three months after the end of every business year, a designated examining agency must prepare an annual report and a statement of accounts for that business year and must submit them to the Minister of Economy, Trade and Industry and the consigning prefectural governor.

(Appointment or Dismissal of an Officer)

Article 58-10 The appointment or dismissal of an officer of a designated examining agency does not come into effect unless the authorization of the Minister of Economy, Trade and Industry is obtained.

(Order to Dismiss an Officer)

Article 58-11 If any officer of a designated examining agency violates this Act, any order pursuant thereto, or the examination service rules or commits an act exceedingly inappropriate in relation to the examination service, the Minister of Economy, Trade and Industry may order such designated examining agency to dismiss such officer.

(Examination Committee Members)

- Article 58-12 (1) When conducting the examination services, a designated examining agency must entrust the examination committee members with determining whether or not an applicant has the knowledge and skills required for a production safety manager or sales chief.
- (2) When appointing an examination committee member, a designated examining agency must appoint a member from among those persons who satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry.
- (3) After having appointed an examination committee member, a designated examining agency must submit a notification report of the appointment to the Minister of Economy, Trade and Industry in accordance with Order of the Ministry of Economy, Trade and Industry. The same applies when an

examination committee member has been changed.

- (4) The provisions of the preceding Article apply mutatis mutandis to examination committee members.

(Responsibility for Maintaining Secrecy)

Article 58-13 (1) Officers and staff of a designated examining agency (including examination committee members; the same applies in the following paragraph) or persons who formerly held these positions must not disclose any confidential information that they acquire in the course of the examination service.

- (2) Those officers and staff of a designated examining agency who are engaged in the examination service are deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) or other penal provisions.

(Order to Comply)

Article 58-14 (1) If a designated examining agency is deemed to be no longer in conformity with any of the items in Article 58-5 (except item (iii); the same applies in this paragraph), the Minister of Economy, Trade and Industry may order such designated examining agency to take necessary measures to attain conformity with the relevant items.

- (2) Beyond the provisions of the preceding paragraph, when the Minister of Economy, Trade and Industry finds it necessary to ensure proper implementation of the consigned examination services, they may issue an order to a designated examining agency that is necessary from the standpoint of the supervision of the examination service.
- (3) The Consigning Prefectural Governor may instruct a designated examining agency to take measures necessary for the proper implementation of the consigned examination services when they find it necessary to secure the proper implementation of such examination services.

(Revocation of Designation)

Article 58-15 (1) If a designated examining agency no longer conforms to item (iii) of Article 58-5, the Minister of Economy, Trade and Industry must revoke the designation thereof.

- (2) If a designated examining agency falls under any of the items below, the Minister of Economy, Trade and Industry may revoke the designation thereof or may order a suspension of the examination services thereof in whole or in part for a specified period:

- (i) When a designated examining agency falls under item (i) or (iii) of Article 58-4;
- (ii) When a designated examining agency has conducted the examination

- services in violation of the examination service rules as authorized under paragraph (1) of Article 58-7;
- (iii) When a designated examining agency has violated an order under paragraph (4) of Article 58-7, Article 58-11 (including the cases where applied *mutatis mutandis* pursuant to paragraph (4) of Article 58-12) or paragraph (1) or (2) of the preceding Article;
  - (iv) When a designated examining agency has violated any provisions of paragraph (1) of Article 58-8, paragraph (1) or (3) of Article 58-9, or paragraphs (1) to (3) of Article 58-12; or
  - (v) When a designated examining agency has been designated under paragraph (1) of Article 31-2 through illegal means.
- (3) When designation has been revoked pursuant to the provisions of paragraph (1) or the preceding paragraph, or a suspension of the whole or a part of the examination service has been ordered under the paragraph, the Minister of Economy, Trade and Industry must notify the matter to the related consigning prefectural governor.

(Conducting Examination Service by the Minister of Economy, Trade and Industry or the Consigning Prefectural Governor)

- Article 58-16 (1) When a designated examining agency has suspended all or a part of the examination services by obtaining permission under paragraph (1) of Article 58-8, when the Minister of Economy, Trade and Industry has ordered a designated examining agency to suspend all or a part of the examination services in accordance with paragraph (2) of the preceding Article or when the Minister of Economy, Trade and Industry deems it necessary to do so in the event a designated examining agency finds it difficult to implement all or a part of the examination services due to a natural disaster or other reasons, the Minister of Economy, Trade and Industry or the consigning prefectural governor is to directly conduct all or a part of the examination services.
- (2) When the consigning prefectural governor is to conduct the examination services pursuant to the provisions of the preceding paragraph or when the reason the consigning prefectural governor is to conduct the examination service pursuant to the provisions of the paragraph has ceased to exist, the Minister of Economy, Trade and Industry must promptly notify the consigning prefectural governor to that effect.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

- Article 58-17 Beyond what is provided for in this Act, particulars necessary for the transfer of the examination services are specified by Order of the Ministry of Economy, Trade and Industry.

## **Section 2 Designated Completion Inspection Agency**

(Designation)

Article 58-18 In accordance with Order of the Ministry of Economy, Trade and Industry, the designation referred to in the proviso of paragraph (1) of Article 20 is approved, in response to an application filed by a person who intends to undertake completion inspections as requested by other persons in accordance with categories specified by Order of the Ministry of Economy, Trade and Industry.

(Disqualification Clause)

Article 58-19 Any person who falls under any of the following items is disqualified from designation under the proviso of paragraph (1) of Article 20:

- (i) A person who violated this Act or any disposition thereunder and was sentenced to punishment severer than a fine, and for whom two years have not passed from the date when such person completed or was relieved from the execution thereof;
- (ii) A person whose previously obtained designation was revoked in accordance with the provisions of Article 58-30 and for whom two years have not passed from the date of such revocation; or
- (iii) A corporation, for which any of whose officers assigned to carry out the business fall under either of the preceding two items.

(Criteria for Designation)

Article 58-20 The Minister of Economy, Trade and Industry must not approve the designation under the proviso of paragraph (1) of Article 20 unless the application for such designation satisfies all of the following items:

- (i) The devices and other equipment used for the completion inspection are to be those specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) The personnel who perform the completion inspection have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry and the number of such personnel is to be no less than the number specified by Order of the Ministry of Economy, Trade and Industry;
- (iii) In the case of the applicant being a corporation, the composition of officers and personnel which is specified by Order of the Ministry of Economy, Trade and Industry for each type of officer or corporation is to have no possibility of interfering with the fair implementation of the completion inspection;
- (iv) Beyond what is provided for in the preceding items, an applicant is to conform with the criteria specified by Order of the Ministry of Economy, Trade and Industry so as to involve no risk of making completion inspection

- unfair;
- (v) The applicant is to have a sufficient financial base for properly and smoothly implementing the service of completion inspection; and
  - (vi) The designation by the Minister of Economy, Trade and Industry is not to obstruct the proper and smooth implementation of the completion inspection related to the application.

(Renewal of Designation)

- Article 58-20-2 (1) The designation referred to in the proviso of paragraph (1) of Article 20 ceases to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) The provisions of Article 58-18 through the preceding Article apply mutatis mutandis to the renewal of designation provided for set forth in the preceding paragraph.

(Duties of Completion Inspection)

- Article 58-21 (1) A designated completion inspection agency must promptly conduct the completion inspection as requested except when there are justifiable grounds not to do so.
- (2) A designated completion inspection agency must use the devices and other equipment under item (i) of Article 58-20 when conducting the completion inspection and have such inspections performed by the personnel under item (ii) of the Article.

(Notification Report of Changing the Place of Business)

- Article 58-22 When changing the place of business for completion inspection, a designated completion inspection agency must submit a notification report thereof to the Minister of Economy, Trade and Industry as specified by Order of the Ministry of Economy, Trade and Industry no later than two weeks prior to the date of the intended change.

(Operational Rules)

- Article 58-23 (1) A designated completion inspection agency must prepare its own rules for the service of completion inspection (hereinafter referred to as "operational rules") and have them authorized by the Minister of Economy, Trade and Industry. Authorization is likewise required when it is planned to change the rules.
- (2) Those matters to be provided for in the operational rules are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The Minister of Economy, Trade and Industry may order a designated

completion inspection agency to change its operational rules authorized under paragraph (1) when they find such rules to be inappropriate for the fair implementation of completion inspection.

(Suspension or Abolition of the Inspection Service)

Article 58-24 In the event of suspending or discontinuing the whole or a part of the business of completion inspection, a designated completion inspection agency must submit a notification report thereof in advance to the Minister of Economy, Trade and Industry, as specified by Order of the Ministry of Economy, Trade and Industry.

Article 58-25 Deletion

Article 58-26 Deletion

(Order to Dismiss)

Article 58-27 If any person provided for in item (ii) of Article 58-20 violates the provisions of this Act, or any order pursuant to this Act or the operational rules, the Minister of Economy, Trade and Industry may order the designated completion inspection agency to dismiss such person referred to in the item.

(Position of Officers and Staff)

Article 58-28 Those officers and staff members of a designated completion inspection agency who are engaged in completion inspections are deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal Code or other penal provisions.

(Order to Comply)

Article 58-29 If a designated completion inspection agency is deemed to be no longer in conformity with any of items (i) to (v) of Article 58-20, the Minister of Economy, Trade and Industry may order the designated completion inspection agency to take necessary measure to conform to such items.

(Revocation of Designation)

Article 58-30 If a designated completion inspection agency falls under any of the items below, the Minister of Economy, Trade and Industry may revoke the designation therefor or may order suspension of the completion inspection thereof in whole or in part for a specified period:

- (i) When a designated completion inspection agency has violated any provisions of this Section or paragraph (4) of Article 20;
- (ii) When a designated completion inspection agency falls under item (i) or (iii)

- of Article 58-19;
- (iii) When a designated completion inspection agency has conducted completion inspection in violation of the operational rules authorized under paragraph (1) of Article 58-23;
  - (iv) When a designated completion inspection agency has violated an order pursuant to the provisions of paragraph (3) of Article 58-23, Article 58-27 or the preceding Article; or
  - (v) When a designated completion inspection agency has been designated under the proviso of paragraph (1) of Article 20 by fraudulent means.

### **Section 2-2 Designated Import Inspection Agency**

(Designation)

- Article 58-30-2 (1) The designation referred to in item (i) of paragraph (1) of Article 22 is to be approved in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person who intends to undertake import inspections.
- (2) The provisions of Articles 58-19 to 58-24 and Article 58-27 to the preceding Article apply mutatis mutandis to a designated import inspection agency. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Article 58-19, Article 58-20, Article 58-20-2, and preceding Article is deemed to be replaced with "item (i) of paragraph (1) of Article 22", the phrase "completion inspection" in Article 58-20, Articles 58-21 to 58-24, Article 58-28, and the preceding Article is deemed to be replaced with "import inspection" and the phrase "paragraph (4) of Article 20" in the Article is deemed to be replaced with "paragraph (2) of Article 22."

### **Section 2-3 Designated Safety Inspection Agency**

(Designation)

- Article 58-30-3 (1) The designation referred to in item (i) of paragraph (1) of Article 35 is to be approved in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person who intends to undertake safety inspection as requested by other persons in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The provisions of Articles 58-19 to 58-24 and Articles 58-27 to 58-30 apply mutatis mutandis to a designated safety inspection agency. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Article 58-19, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with "item (i) of paragraph (1) of Article 35", the phrase "completion inspection" in Article 58-20,

Articles 58-21 to 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "safety inspection", and the phrase "paragraph (4) of Article 20" in the Article is deemed to be replaced with "paragraph (3) of Article 35."

### **Section 3 Designated Container Inspection Agency**

(Designation)

- Article 58-31 (1) The designation referred to in paragraph (1) of Article 44 is to be approved in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person who intends to undertake container inspection, container re-inspection, accessory inspection and accessory re-inspection (hereinafter referred to as "container inspection, etc.") as requested by other persons in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The provisions of Articles 58-19 to 58-24 and Articles 58-27 to 58-30 apply mutatis mutandis to a designated container inspection agency. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Articles 58-19 to 58-24, Article 58-27, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with "paragraph (1) of Article 44", the phrase "completion inspections" in Article 58-20, Articles 58-21 to 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "container inspection, etc." and the phrase "paragraph (4) of Article 20" in the Article is deemed to be replaced with "paragraph (1) or (2) of Article 45, paragraph (3) or (4) of Article 49, paragraph (1) of Article 49-3, paragraph (3) of Article 49-4, paragraph (2) of Article 54, or paragraph (2) of Article 56 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of the Article)."

### **Section 4 Designated Inspection Agency for Specified Equipment**

(Designation)

- Article 58-32 (1) The designation referred to in paragraph (1) of Article 56-3 is to be approved in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person who intends to undertake the specified equipment inspection as requested by other persons in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry.
- (2) The provisions of Articles 58-19 to 58-24 and Articles 58-27 to 58-30 apply mutatis mutandis to a designated inspection agency for specified equipment. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Articles 58-19 to 58-24, Article 58-27, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with "paragraph (1) of Article 56-3", the phrase



"completion inspection" in Article 58-20, Articles 58-21 to 58-24, Article 58-28 and Article 58-30 is deemed to be replaced with "specified equipment inspection" and the phrase "paragraph (4) of Article 20" in the Article is deemed to be replaced with "paragraph (1) of Article 56-4."

### **Section 5 Accreditation Agency for Designated Equipment**

(Designation)

Article 58-33 (1) The designation referred to in paragraph (1) of Article 56-7 is approved in response to an application filed by a person who intends to confer accreditation under the paragraph (hereinafter referred to as "accreditation of the designated equipment").

(2) The provisions of Articles 58-19 to 58-24 and Articles 58-27 to 58-30 apply mutatis mutandis to an accreditation agency for designated equipment. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Articles 58-19 to 58-24, Article 58-27, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with "paragraph (1) of Article 56-7", the phrase "completion inspections" in Article 58-20, Articles 58-21 to 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "accreditation of designated equipment" and the phrase "paragraph (4) of Article 20" in the Article is deemed to be replaced with "paragraph (1) of Article 56-8."

### **Section 6 Investigation Agency for Inspection Organization**

(Designation)

Article 58-34 The designation referred to in paragraph (1) of Article 39-7, paragraph (3) of the Article, paragraph (1) of Article 49-8, or paragraph (1) of Article 56-6-5 is to be approved in accordance with Order of the Ministry of Economy, Trade and Industry for each of the investigations referred to in paragraph (1) of Article 39-7, paragraph (3) of the Article, paragraph (1) of Article 49-8, or paragraph (1) of Article 56-6-5 (hereinafter referred to collectively as "investigation of inspection organizations, etc.") in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person who intends to conduct investigations.

(Criteria for Designation)

Article 58-35 The Minister of Economy, Trade and Industry must not approve the designation under paragraph (1) of Article 39-7, paragraph (3) of the Article, paragraph (1) of Article 49-8, or paragraph (1) of Article 56-6-5 unless they find that the application for such designation conforms to all of the

following items:

- (i) The personnel who conduct investigation of inspection organizations have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry and the number of such personnel is not to be less than the number specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) The applicant has a sufficient financial base and technological capability for properly and smoothly implementing the services of investigation of inspection organizations, etc.;
- (iii) In the case of the applicant being a corporation, the composition of officers and personnel which is specified by Order of the Ministry of Economy, Trade and Industry for each type of officers or corporations has no possibility of interfering with the fair implementation of investigation of inspection organizations, etc.;
- (iv) Beyond what is provided for in the preceding items, an applicant conforms with criterion specified by Order of the Ministry of Economy, Trade and Industry so as to involve no risk of making investigation of inspection organizations, etc. unfair; and
- (v) Such designation by the Minister of Economy, Trade and Industry does not obstruct the proper and smooth implementation of investigation of inspection organizations, etc. related to the application.

(Applying the Provisions Mutatis Mutandis)

Article 59 The provisions of Article 58-19, Articles 58-20-2 to 58-24, Articles 58-27 to 58-30 apply mutatis mutandis to a person who conducts investigation of inspection organizations, etc. under designation pursuant to the provisions of paragraph (1) of Article 39-7, paragraph (3) of the Article, paragraph (1) of Article 49-8, or paragraph (1) of Article 56-6-5 (hereinafter referred to as "Investigation Agency for Inspection Organization, etc."). In this case, the phrase "the proviso of paragraph (1) of Article 20" in Article 58-19, Article 58-20-2, and Article 58-30 is deemed to be replaced with "paragraph (1) of Article 39-7, paragraph (3) of the Article, paragraph (1) of Article 49-8, or paragraph (1) of Article 56-6-5", the phrase "completion inspection" in Articles 58-21 to 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "investigation of inspection organizations, etc.", the phrase "use the devices and other equipment under item (i) of Article 58-20 ... and ... item (ii) of the Article" in Article 58-21 is deemed to be replaced with "item (i) of Article 58-35", the phrase "item (ii) of Article 58-20" in Article 58-27 is deemed to be replaced with "item (i) of Article 58-35", the phrase "items (i) to (v) of Article 58-20" in Article 58-29 is deemed to be replaced with "items (i) to (iv) of Article 58-35", the phrase "paragraph (4) of Article 20" in Article 58-30 is deemed to be

replaced with "paragraph (2) of Article 39-7, paragraph (4) of the Article, paragraph (2) of Article 49-8, or paragraph (2) of Article 56-6-5."

### **Chapter IV-3 The High Pressure Gas Safety Institute of Japan**

#### **Section 1 General Provisions**

(Purpose)

Article 59-2 The purpose of the Institute is to conduct services including investigation, research and guidance, and inspection related to the safety of high pressure gases in order to help prevent accidents and disasters due to high pressure gases.

(Legal Status)

Article 59-3 The Institute has the status of a corporation.

(Office)

Article 59-4 (1) The Institute places its principal office in Tokyo.  
(2) The Institute may have secondary offices in necessary locations.

(Articles of Incorporation)

Article 59-5 (1) The Articles of Incorporation of the Institute must describe the following:

- (i) Purposes;
- (ii) Name;
- (iii) Places of offices;
- (iv) Matters pertaining to members;
- (v) Matters pertaining to officers including their number, term of service, and selection method;
- (vi) Matters pertaining to Councilors and the Board of Councilors;
- (vii) Matters pertaining to services and execution thereof;
- (viii) Matters pertaining to accounting;
- (ix) Matters pertaining to the amendment of the articles of incorporation; and
- (x) Matters pertaining to public notice.

(2) No amendment to the Articles of Incorporation of the Institute is effective unless authorized by the Minister of Economy, Trade and Industry.

(Registration)

Article 59-6 (1) The Institute is subject to registration in accordance with the provisions of Cabinet Order.  
(2) Matters requiring registration under the preceding paragraph may not be duly asserted against a third party until such registration has been completed.

(Restriction on Use of the Name)

Article 59-7 No person other than the Institute must use the name "High Pressure Gas Safety Institute of Japan".

(Application Mutatis Mutandis of the Act on General Incorporated Associations and General Incorporated Foundations)

Article 59-8 The provisions of Article 4 (Address) and Article 78 (Liability to Compensate for Damages Arising from the Acts of Representatives) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis with regard to the Institute.

## **Section 2 Members**

(Eligibility)

Article 59-9 A person falling under any item below is eligible for membership of the Institute:

- (i) A person conducting the business of producing high pressure gas;
- (i)-2 A designated completion inspection agency under the proviso of paragraph (1) of Article 20;
- (i)-3 A designated safety inspection agency under item (i) of paragraph (1) of Article 35;
- (i)-4 An investigation agency for inspection organization, etc. under Article 59;
- (ii) A person conducting the business of selling high pressure gas;
- (ii)-2 A designated import inspection agency under item (i) of paragraph (1) of Article 22;
- (iii) A specific high pressure gas consumer;
- (iv) A container manufacturer or a person conducting the business of manufacturing container accessories;
- (iv)-2 A designated container inspection agency under paragraph (1) of Article 44 or a person with a registered container inspection station under paragraph (1) of Article 49;
- (v) A person conducting the business of manufacturing equipment for the production of high pressure gas;
- (v)-2 A designated inspection agency for specified equipment under paragraph (1) of Article 56-3;
- (v)-3 The accreditation agency for designated equipment under paragraph (1) of Article 56-7;
- (v)-4 A designated training agency under paragraph (3) of Article 31 or a designated examining agency under paragraph (1) of Article 31-2;
- (vi) A person conducting the business of manufacture or sale of LPG appliances

or other products as provided for in paragraph (7) of Article 2 of the LPG Act or an accreditation inspection agency under paragraph (1) of Article 62-2 of the same Act;

- (vi)-2 A safety agency under paragraph (2) of Article 27 of the LPG Act;
- (vi)-3 A designated examining agency under paragraph (1) of Article 38-6 of the LPG Act or a person designated by the Minister of Economy, Trade and Industry under paragraph (1) of Article 38-9 of the LPG Act;
- (vii) An association of persons falling under any of the foregoing items; or
- (viii) A person with specialized knowledge of technical matters pertaining to the safety of high pressure gases or a person otherwise provided for in the Articles of Incorporation.

(Enrollment and Withdrawal)

- Article 59-10 (1) Without a justifiable reason, the Institute must not decline an application for enrollment therein made by any person eligible for membership.
- (2) Any member of the Institute may withdraw from the Institute at any time.

(Membership Fee)

- Article 59-11 Every member of the Institute must pay the membership fee in accordance with the provisions of the Articles of Incorporation.

**Section 3 Officers, Councilors, and Staff**

(Officers)

- Article 59-12 The Institute has a Chairman, a Vice Chairman, Executive Directors, and an Auditor as Officers.

(Duties and Powers of Officers)

- Article 59-13 (1) The Chairman represent the Institute and preside over the affairs thereof.
- (2) The Vice Chairman assist the Chairman in administering the affairs of the Institute as prescribed by the Chairman, act on behalf of the Chairman whenever they are prevented from acting due to an accident, and perform the duties of the Chairman when their position is vacant.
- (3) The Executive Directors assist the Chairman and the Vice Chairman in administering the affairs of the Institute as prescribed by the Chairman, act on behalf of the Chairman and the Vice Chairman whenever they are prevented from acting due to an accident, and perform their duties when their positions are vacant.
- (4) The Auditor audit the affairs of the Institute.
- (5) When deemed necessary, the Auditor may submit their opinion based on the

audit results to the Chairman or the Minister of Economy, Trade and Industry.

#### Article 59-14 Deletion

(Officer Disqualification Clause)

Article 59-15 Employees of the government or local government (except part-time employees) are not eligible for the position of an officer of the Institute.

Article 59-16 Whenever any officer of the Institute becomes ineligible under Article 59-15, the Institute must dismiss the officer.

(Appointment or Dismissal of Officer)

Article 59-17 (1) The appointment and dismissal of an officer of the Institute does not come into effect unless the authorization of the Minister of Economy, Trade and Industry is obtained.

(2) If any officer of the Institute violates this Act, an order or disposition pursuant thereto, the Articles of Incorporation or the Institute's Business Rules or commits an extremely inappropriate act in relation to the service of the Institute, the Minister of Economy, Trade and Industry may order the Institute to dismiss such officer, specifying a time limit.

(3) If the Institute does not dismiss an officer who has become ineligible under the provisions of Article 59-15 or does not obey the order pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry may dismiss the officer.

(Prohibition of the Concurrent Holding of Positions by Officers)

Article 59-18 An officer is not allowed to take office as an officer of a profit-making organization or personally engage in a profit-making business; provided, however, that this does not apply when the Minister of Economy, Trade and Industry has approved it, deeming that it does not prejudice the performance of their duty as an officer.

(Restriction on Authority of Representation)

Article 59-19 The Chairman does not have the authority of representation of the Institute with respect to any matter in which the interests of the Institute conflict with those of the Chairman. In this case, the Auditor represents the Institute.

(Appointment of an Agent)

Article 59-20 The Chairman may appoint an agent empowered to act in or out of a court in respect to all affairs of a secondary office of the Institute, from

among the Executive Directors or staff members of the Institute.

(Board of Councilors)

Article 59-21 (1) The Institute has a Board of Councilors.

(2) The Board of Councilors is composed of the Chairman and the number of Councilors specified in the Articles of Incorporation.

(3) The Board of Councilors has a Chairperson and the Chairman serves as the Chairperson.

(4) The Chairperson presides over the affairs of the Board of Councilors.

(5) In advance, from among the Councilors, the Board of Councilors must appoint a person who can serve as deputy for the Chairperson in the event that the Chairperson is unable to perform their duty.

(Councilors)

Article 59-22 The Councilors are elected by the members in accordance with the Articles of Incorporation from among the members (or from the representative or agents in case that such members are corporations).

(Powers of the Board of Councilors)

Article 59-23 (1) The following issues must be subject to resolutions of the Board of Councilors:

(i) Amendments to the Articles of Incorporation;

(ii) Membership fee and method of collection thereof; and

(iii) Other matters as specified in the Articles of Incorporation.

(2) Beyond the items in the preceding paragraph, as requested by the Chairman, the Board of Councilors studies and deliberates concerning other important matters with respect to the operation of the Institute.

(Business of the Board of Councilors)

Article 59-24 (1) The Board of Councilors cannot open a meeting or make any resolution unless a majority of the Councilors are present.

(2) The business of the Board of Councilors is decided by a majority of the Councilors present thereat. If a vote ends in a tie, the Chairperson's vote decides the issue.

(Appointment of Staff)

Article 59-25 The staff of the Institute are appointed by the Chairman.

(Duty of Confidentiality of Officers and Staff)

Article 59-26 The officers and staff of the Institute (including those who conduct work relating to the determination in paragraph (1) of Article 59-30-2; the

same applies in the following Article and Article 83-3) or persons who formerly held these positions must not disclose or misappropriate any confidential information they come to know in relation to the performance of the duties of their office.

(Position of Officers and Staff)

Article 59-27 The officers and staff of the Institute are deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal Code or other penal provisions.

#### **Section 4 Services**

(Scope of Services)

Article 59-28 (1) In order to achieve the purpose as provided for in Article 59-2, the Institute:

- (i) Conducts studies and research, provide guidance, and gather and furnish information concerning the safety of high pressure gases;
- (ii) Provides advice and suggestions to the Minister of Economy, Trade and Industry concerning technical matters relating to the safety of high pressure gases;
- (iii) Provides training courses referred to in paragraph (7) of Article 27-2 and paragraph (3) of Article 31 of this Act as well as paragraph (3) of Article 19, paragraph (4) of Article 37-5, and Article 38-9 of the LPG Act;
- (iv) Conducts completion inspection under the proviso of paragraph (1) of Article 20 or item (i) of paragraph (3) of the Article, import inspection under item (i) of paragraph (1) of Article 22, safety inspection under item (i) of paragraph (1) of Article 35, container inspection under paragraph (1) of Article 44, container re-inspection under paragraph (1) of Article 49, accessory inspection under paragraph (1) of Article 49-2, accessory re-inspection under paragraph (1) of Article 49-4, tests under paragraph (1) of Article 49-23, specified equipment inspection under paragraphs (1) to (3) of Article 56-3, completion inspection under the proviso of paragraph (1) of Article 37-3 of the LPG Act (including the cases where applied mutatis mutandis pursuant to paragraph (4) of Article 37-4 of the LPG Act), safety inspection under the proviso of paragraph (1) of Article 37-6 of the LPG Act (hereinafter referred to as "safety inspection, etc."), or other inspections as necessary for the safety of high pressure gases;
- (iv)-2 Conducts investigations under paragraph (1) of Article 39-7 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 39-8), paragraph (3) of Article 39-7 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of Article 39-8), paragraph (1) of



- Article 49-8 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-9 or paragraph (2) of Article 49-31) or paragraph (1) of Article 56-6-5 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-6 or paragraph (2) of Article 56-6-22);
- (iv)-2-2 Issues specified equipment standards conformity certificates under paragraph (2) of Article 56-6-14;
  - (iv)-2-3 Accredits designated equipment;
  - (iv)-3 Provides training courses on the knowledge and skills required for a LPG Installation Engineer under paragraph (6) of Article 2 of the LPG Act;
  - (iv)-3-2 Provides a guidance service on the technologies required to become a safety agency referred to in paragraph (2) of Article 27 of the LPG Act (including a guidance service commissioned by the Government of Japan);
  - (iv)-4 Conducts clerical work for issuing certificates or an examination service under the provisions of paragraph (1) of Article 29-2 or paragraph (1) of Article 31-2 of this Act or paragraph (1) of Article 38-4-2 of the LPG Act or paragraph (1) of Article 38-6 of the LPG Act, clerical work for issuing certificates under paragraph (1) of Article 38-4-2 of the LPG Act or clerical work relating to the implementation of the LPG installation engineer examination under paragraph (1) of Article 38-6 of the LPG Act (hereinafter referred to as "examination services, etc.");
  - (v) Deletion
  - (vi) Conducts education with respect to the safety of high pressure gases;
  - (vii) Conducts affairs incidental to each of the foregoing items; and
  - (viii) Beyond what is listed in each of the preceding items, conduct other affairs as necessary to achieve the purpose of Article 59-2.
- (2) When conducting the affairs as provided for in item (viii) of the preceding paragraph, the Institute must obtain the authorization of the Minister of Economy, Trade and Industry.
- (3) In addition to those duties referred to in paragraph (1), with the authorization of the Minister of Economy, Trade and Industry, the Institute may conduct inspections, tests, and other services, utilizing the equipment or technology owned by the Institute that is related to operations to maintain high pressure gas safety, or such other services as deemed appropriate to be conducted by the Institute, to the extent such services do not adversely affect the smooth implementation of those duties referred to in paragraph (1).

(The Institute's Business Rules)

Article 59-29 (1) When starting the business, the Institute must prepare its business rules and have such rules authorized by the Minister of Economy, Trade and Industry. Authorization is likewise required for a change of such

rules.

- (2) The matters to be provided for in the Institute's business rules under the preceding paragraph is specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When the Institute's business rules as authorized under paragraph (1) are found to have become inappropriate for the proper implementation of safety inspections, etc., accreditation of designated equipment, or examination services, etc., the Minister of Economy, Trade and Industry may order changes in such portions of the Institute's business rules as pertain to safety inspections, etc., accreditation of designated equipment, or examination services, etc.

(Duties of Safety Inspection and Inspectors)

- Article 59-30 (1) The Institute must promptly conduct safety inspection, etc., or accreditation of designated equipment as requested except when there are justifiable grounds not to do so.
- (2) Whenever conducting safety inspections, etc. or accreditation of designated equipment, the Institute must have the work performed by personnel with the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry.
  - (3) Those who perform safety inspection, etc., or accreditation of Specified Equipment (hereinafter referred to as "inspectors") must perform their duties in good faith.
  - (4) When an inspector has violated any provision of this Act or the LPG Act, any order pursuant thereto or the Institute's business rules or when their performance of duty is deemed likely to interfere with the proper implementation of safety inspections, etc., or the accreditation of designated equipment, the Minister of Economy, Trade and Industry may order the Institute to dismiss them from the service.

(Examination Services)

- Article 59-30-2 (1) When conducting examination services, etc., the Institute must entrust personnel who have the knowledge and experience that conform with the conditions specified by Order of the Ministry of Economy, Trade and Industry after determining whether or not an applicant has the knowledge and skills required for a production safety manager, sales chief, or LPG installation engineer.
- (2) The prefectural governor who has consigned examination services, etc. in whole or in part to the Institute may instruct the Institute to take measures necessary for the proper implementation of the consigned examination services, etc. without infringing on the scope of business rules of the Institute, whenever

they deem it necessary to secure the proper implementation of such examination services, etc.

- (3) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis when the Institute conducts examination services, etc.

## **Section 4-2 Finance and Accounting**

(Business Year)

Article 59-31 The business year of the Institute commences on the first day of April each year and closes on the thirty-first day of March of the subsequent year.

(Business Plan)

Article 59-32 The Institute must prepare its business plan and a budget for revenues and expenditures for each business year and obtain the authorization of the Minister of Economy, Trade and Industry prior to the commencement of that business year. Authorization is likewise required in the event that such plan or budget is intended to be changed.

(Financial Statements)

Article 59-33 (1) The Institute must prepare an inventory of assets, a balance sheet, and a profit and loss statement (hereinafter collectively referred to as "financial statements") for each business year and submit them to the Minister of Economy, Trade and Industry within three months following the close of that business year.

- (2) When submitting the financial statements under the preceding paragraph to the Minister of Economy, Trade and Industry, the Institute must attach thereto the statement of accounts for the relevant business year, prepared for each section of the budget, and the Auditor's opinion on both the financial statements and the statement of accounts.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 59-33-2 Beyond what is provided for in this Act and orders pursuant thereto, any other requirements for finance and accounting of the Institute are specified by Order of the Ministry of Economy, Trade and Industry.

## **Section 5 Supervision**

(Supervision)

Article 59-34 (1) The Institute is subject to supervision by the Minister of Economy, Trade and Industry.

(2) When the Minister of Economy, Trade and Industry finds it necessary for the implementation of this Act, the Minister of Economy, Trade and Industry may issue such order to the Institute as necessary for ministerial supervision of the Institute's service.

(Report and Inspection)

Article 59-35 (1) When the Minister of Economy, Trade and Industry finds it necessary for the implementation of this Act, the Minister of Economy, Trade and Industry may demand that the Institute report on its business or may send their staff to enter the Institute's office or other place of business and inspect the books, records, or other property.

(2) When entering and making inspections under the preceding paragraph, the staff must carry proper identification and show it to the persons concerned.

(3) The authority for entrance and inspection under paragraph (1) must not be construed as being approved for criminal investigation.

## **Section 6 Dissolution**

Article 59-36 Dissolution of the Institute is provided for by a separate Act.

## **Chapter V Miscellaneous Provisions**

(Books)

Article 60 (1) Any Class 1 Producer, owner or possessor of a Class 1 or Class 2 Storage Place, dealer, container manufacturer, and person with a registered container inspection station must arrange and keep books in accordance with Order of the Ministry of Economy, Trade and Industry to record matters as prescribed by Order of the Ministry of Economy, Trade and Industry with respect to the production, sale, incoming and outgoing of high pressure gas or containers, or container re-inspection or accessory re-inspection.

(2) Any designated examining agency, designated completion inspection agency, designated import inspection agency, designated safety inspection agency, designated container inspection agency, designated inspection agency for specified equipment, accreditation agency for designated equipment, and investigation agency for inspection organization, etc. must arrange and keep books in accordance with Order of the Ministry of Economy, Trade and Industry to record matters as prescribed by Order of the Ministry of Economy, Trade and Industry with respect to the completion inspection, import inspection, examination services, safety inspection, investigation of inspection organizations, etc., container inspection, etc., specified equipment inspection, or accreditation of designated equipment.

(Collection of Report)

- Article 61 (1) When the Minister of Economy, Trade and Industry or the prefectural governor finds it necessary for the maintenance of public safety or the prevention of disasters, they may demand a report on the business from any Class 1 Producer, Class 2 Producer, owner or possessor of a Class 1 or Class 2 Storage Place, dealer, importer of high pressure gas, specific high pressure gas consumer, LPG dealer under Article 6 of the LPG Act, container manufacturer, importer of containers, person with a registered container inspection station, or apparatus manufacturer.
- (2) When the Minister of Economy, Trade and Industry finds it necessary for the maintenance of public safety or the prevention of disasters, they may demand a report on the business or accounting status from any designated completion inspection agency, designated import inspection agency, designated safety inspection agency, designated container inspection agency, designated inspection agency for specified equipment, designated accreditation agency for specified equipment, or investigation agency for inspection organization, etc.
- (3) When the Minister of Economy, Trade and Industry finds it necessary to secure the proper implementation of the training service under paragraph (3) of Article 31 or the examination service, the Minister of Economy, Trade and Industry may demand a report on the business or accounting status from any designated training agency or designated examining agency.
- (4) When the consigning prefectural governor finds it necessary to secure the proper implementation of the consigned examination service, they may demand a report on the status of the consigned examination service from the relevant designated examining agency.

(Entrance for Inspection)

- Article 62 (1) When the Minister of Economy, Trade and Industry or the prefectural governor finds it necessary for the maintenance of public safety or the prevention of disasters, they may send their staff to enter any office, business office, plant, workplace, storage place of high pressure gas or containers, or container inspection station of any high pressure gas producer, owner or possessor of a Class 1 or Class 2 Storage Place, dealer, person storing or consuming high pressure gas, importer of high pressure gas, LPG dealer under Article 6 of the LPG Act, person manufacturing containers, importer of containers, or person with a registered container inspection station, and have the staff inspect the books, records and other necessary articles, question the persons concerned or sample the high pressure gas at the minimum volume required for examination.
- (2) When the Minister of Economy, Trade and Industry finds it necessary for the

maintenance of public safety or the prevention of disasters, they may send their staff to enter any office or place of business of any designated completion inspection agency, designated import inspection agency, designated safety inspection agency, designated container inspection agency, designated inspection agency for specified equipment, accreditation agency for designated equipment, or investigation agency for inspection organization, etc., and have the staff inspect the state of business, books, records and other necessary articles or question the persons concerned.

- (3) When the Minister of Economy, Trade and Industry finds it necessary to secure the proper implementation of the training service under paragraph (3) of Article 31 or the examination service, they may send their staff to enter any office of any designated training agency or designated examining agency and have the staff inspect the state of business, books, records, and other necessary articles or question the persons concerned.
- (4) When the consigning prefectural governor finds it necessary to secure the proper implementation of the consigned examination service, they may send their staff to enter any office of the relevant designated examining agency and have the staff inspect the state of business, books, records, and other necessary articles or question the persons concerned.
- (5) When a police officer finds it particularly necessary to prevent damage to human life, bodies, or property, they may enter the place of production, sale or consumption of high pressure gas or a Class 1 or Class Storage Place, or any storage place of high pressure gas and question the persons concerned.
- (6) The staff or police officer referred to in each of the preceding paragraphs must carry proper identification and show it to the persons concerned.
- (7) Those authorities for entrance inspection, questioning, and sampling under paragraphs (1) to (5) must not be construed as being approved for criminal investigation.

(Notification Report of Accident)

Article 63 (1) In the following cases, any Class 1 Producer, Class 2 Producer, dealer, LPG dealer under Article 6 of the LPG Act, person storing or consuming high pressure gas, container manufacturer, importer of containers, or any other person who otherwise handles high pressure gas or containers must submit a notification report thereof to the prefectural governor or police officer without delay:

- (i) When an accident has taken place with respect to the high pressure gas they own or possess; or
  - (ii) When the high pressure gas or any container they own or possess has been lost or stolen.
- (2) In the event of item (i) of the preceding paragraph, the Minister of Economy,

Trade and Industry or the prefectural governor may order the owner or possessor of the high pressure gas to report the date and time, the place, and the cause of the accident, the type and quantity of the high pressure gas, the extent of loss or damage, and any other necessary matters.

(Prohibition of Changing Existing Conditions)

Article 64 When an accident due to high pressure gas has taken place, no person is allowed to change the existing conditions without instructions from the Minister of Economy, Trade and Industry, the prefectural governor, or a police officer, except for ensuring the continued flow of traffic or other cases for which it is unavoidable to protect the public interest; provided however, that this does not apply when measures are taken under the provisions of paragraph (1) of Article 36 of this Act or item (iv) of paragraph (1) of Article 27 of the LPG Act.

(Conditions of Permission)

Article 65 (1) Conditions of permission may be set with regard to permission under paragraph (1) of Article 5, paragraph (1) of Article 14, paragraph (1) of Article 16 or paragraph (1) of Article 19 or with regard to approval under paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33.

(2) The conditions set forth in the preceding paragraph must be restricted to the necessary minimum for the maintenance of public safety or the prevention of disasters and must not impose undue obligations upon the applicant for permission or approval.

Article 66 Deletion

Article 67 Deletion

Article 68 Deletion

Article 69 Deletion

Article 70 Deletion

Article 71 Deletion

Article 72 Deletion

(Fees)

Article 73 (1) Any person listed below (limited to the Minister of Economy, Trade

and Industry or a head of the Industrial Safety and Inspection Department or those who intend to undertake procedures with the Institute or a designated examining agency to which the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department have consigned their examination procedure) must pay the corresponding fees in the amount specified by a Cabinet Order taking into consideration the actual cost; provided, however, that this does not apply if such person is a prefecture.

(i) Deletion

(ii) Deletion

(iii) Deletion

(iv) Deletion

(v) Deletion

(vi) An applicant for accreditation under item (ii) of paragraph (3) of Article 20 or its renewal;

(vii) Deletion

(viii) An applicant for the production safety manager examination;

(ix) An applicant for the issuance of a production safety manager certificate;

(x) An applicant for the reissuance of a production safety manager certificate;

(xi) Deletion

(xii) Deletion

(xiii) Deletion

(xiv) Deletion

(xv) An applicant for accreditation under item (ii) of paragraph (1) of Article 35 or its renewal;

(xvi) An applicant for container inspection or container re-inspection;

(xvi)-2 An applicant for registration under paragraph (1) of Article 49-5 or paragraph (1) of Article 49-31 or its renewal;

(xvi)-3 An applicant for the reissuance of a registration certificate under Article 49-15 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-31);

(xvi)-4 An applicant for the issuance of an authenticated copy of the registry of manufacturers of containers, etc., registry of foreign manufacturers of containers, etc., registry of manufacturers of specified equipment, or registry of foreign manufacturers of specified equipment (hereinafter collectively referred to as "registry of manufacturers of containers, etc. or other registers" in this Article);

(xvi)-5 An applicant for the perusal of the registry of manufacturers of containers, etc. or other registers;

(xvi)-6 An applicant for approval under paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33;

(xvii) An applicant for registration of a container inspection station or the



- renewal thereof;
- (xviii) An applicant for a stamping, etc., as provided for in paragraph (2) of Article 54;
  - (xix) An applicant for accessory inspection or accessory re-inspection;
  - (xx) An applicant for specified equipment inspection;
  - (xx)-2 An applicant for registration under paragraph (1) of Article 56-6-2 or paragraph (1) of Article 56-6-22 or its renewal;
  - (xx)-3 An applicant for the reissuance of a registration certificate under Article 56-6-12 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22);
  - (xx)-4 An applicant for the issuance of a specified equipment standards conformity certificate;
  - (xxi) An applicant for the accreditation of specified equipment; or
  - (xxii) An applicant for the reissuance of a specified equipment inspection certificate, specified equipment standards conformity certificate, or a designated equipment accreditation certificate.
- (2) The fees referred to in the preceding paragraph are considered as income of the national treasury for fees payable by those applying for accreditation under item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35 or its renewal, those applying for the production safety manager examination conducted by the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department, those applying for the issue or reissuance of a production safety manager certificate by the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department, those applying for container inspection, container re-inspection, accessory inspection, accessory re-inspection, specified equipment inspection, accreditation of designated equipment, registration of a container inspection station or registration under paragraph (1) of Article 49-5, paragraph (1) of Article 49-31, paragraph (1) of Article 56-6-2 or paragraph (1) of Article 56-6-22 or its renewal, those applying for the reissuance of a registration certificate under Article 49-15 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-31) or Article 56-6-12 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22), those applying for the issuance of an authenticated copy of or the perusal of the registry of manufacturers of containers, etc. or other registries to the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department or those applying for approval under paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33, those applying for the reissuance of a specified equipment inspection certificate or a designated equipment accreditation certificate or those applying for the issue or reissuance of a designated equipment standards conformity certificate and

those applying for the stamping or marking plate to be conducted by the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department under the provisions of paragraph (2) of Article 54; The Institute to which fees are payable by those applying for the production safety manager examination of which the examination service is wholly conducted by the Institute; A designated examining agency to which fees are payable by those applying for the production safety manager examination of which the examination service is wholly conducted by such designated examining agency.

Article 73-2 When collecting fees payable for the production safety manager examination or sales chief examination in accordance with the provisions of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), prefectures may have applicants for the production safety manager examination or sales chief examination to be conducted by the Institute or a designated examining agency pursuant to the provisions of paragraph (1) of Article 31-2 pay the fees to the Institute or the designated examining agency as prescribed by a Prefectural Order and the Institute or the agency may receive the fees paid as their incomes.

(Relation between Prefectural Governor and Public Safety Commission)

Article 74 (1) Upon granting permission under paragraph (1) of Article 5 or paragraph (1) of Article 16, receiving a notification report under paragraph (2) of Article 5, paragraph (1) of Article 17-2, Article 20-4, Article 21, paragraph (1) of Article 24-2, or paragraph (2) of Article 24-4 or revoking permission under the provisions of paragraph (1) of Article 38, in accordance with the provisions of a Cabinet Order, the prefectural governor must notify the prefectural public safety commission, the municipal fire chief (or the head of the municipality if there is no fire defense headquarters) or the Commander of the Regional Coast Guard Headquarters to that effect.

(2) Upon receiving a notification report under paragraph (2) of Article 36 or paragraph (1) of Article 63, the police officer must promptly notify the relevant prefectural governor of the notification report.

(3) Upon receiving a notification report under paragraph (2) of Article 36, the firefighter or the fire corps volunteer, or the coast guard officer must promptly notify the relevant prefectural governor of such notification report.

(4) Upon receiving a notification report under the provisions of paragraph (2) of Article 36 or paragraph (1) of Article 63 or upon receiving notification under the preceding two paragraphs, the prefectural governor must report receipt of the report or notification to the Minister of Economy, Trade and Industry as specified by Order of the Ministry of Economy, Trade and Industry.

(Public Notices)

Article 74-2 (1) The Minister of Economy, Trade and Industry must publish in the official gazette in any of the following cases:

- (i) When they have approved designation under the proviso of paragraph (1) of Article 20, paragraph (1) of Article 22, paragraph (3) of Article 31, paragraph (1) of Article 31-2, the proviso of paragraph (1) of Article 35, paragraph (1) of Article 39-7, paragraph (3) of the Article, paragraph (1) of Article 44, paragraph (1) of Article 49-8, paragraph (1) of Article 56-3, paragraph (1) of Article 56-6-5 or paragraph (1) of Article 56-7;
- (i)-2 When they have given accreditation under item (ii) of paragraph (3) of Article 20, or item (ii) of paragraph (1) of Article 35;
- (i)-3 When they have revoked accreditation under the provisions of paragraph (1) of Article 39-12 or when they have confirmed that the accreditation has ceased to be effective under the provisions of paragraph (2) of the Article;
- (ii) When they have consigned the examination service to the Institute or a designated examining agency under the provisions of paragraph (1) of Article 31-2;
- (ii)-2 When they have given approval under the provisions of paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33;
- (ii)-3 When they have confirmed that approval has ceased to be effective under the provisions of Article 49-28 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-33) or when they have revoked approval under the provisions of Article 49-29 or Article 49-34;
- (iii) When they have received a notification report under paragraph (1) of Article 58-6 or Article 58-22 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33 and Article 59);
- (iv) When they have given permission under paragraph (1) of Article 58-8;
- (v) When they have revoked designation or ordered a suspension in whole or in part of the examination service or completion inspection, import inspection, safety inspection, investigation of inspection organizations, etc., container inspection, etc., specified equipment inspection, or accreditation of designated equipment under the provisions of paragraph (1) or (2) of Article 58-15 or Article 58-30 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59);
- (v)-2 When they have received a notification report under the provisions of Article 58-24 (including the cases where applied mutatis mutandis pursuant

- to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59); or
- (vi) When they have decided to directly conduct all or a part of the examination service under the provisions of paragraph (1) of Article 58-16 or not to conduct all or a part of the examination service which has been directly conducted by themselves under the provisions of the paragraph.
- (2) The prefectural governor must notify the public in any of the following cases:
- (i) When they have consigned the examination service to the Institute or a designated examining agency under the provisions of paragraph (1) of Article 31-2;
  - (ii) When they have decided not to consign the examination service to the Institute or a designated examining agency which they had initially decided to consign under the provisions of paragraph (1) of Article 31-2;
  - (iii) When they have received a notification report under paragraph (2) of Article 58-6; or
  - (iv) When they have decided to directly conduct all or a part of the examination service under the provisions of paragraph (1) of Article 58-16 or not to conduct all or a part of the examination service which has been directly conducted by themselves under the provisions of the same paragraph.

(Public Hearing and Other Matters)

Article 75 The Minister of Economy, Trade and Industry must refer to the Institute for its opinions when instituting, amending, or abolishing any Order of the Ministry of Economy, Trade and Industry referred to in item (i) or (ii) of Article 8, paragraph (1) or (2) of Article 12, Article 13, paragraph (1) of Article 15, paragraph (2) of Article 16, paragraph (1) of Article 22 (except item (iii) and (iv)), Article 23, Article 24, paragraph (1) or (2) of Article 24-3, Article 24-5, Article 25, paragraph (1) of Article 41, paragraph (4) of Article 44, item (iv) of paragraph (1) of Article 48, paragraph (2) of Article 49, paragraph (4) of Article 49-2, paragraph (2) of Article 49-4, paragraph (3) of Article 50, paragraph (5) of Article 56, paragraph (4) of Article 56-3, paragraph (2) of Article 56-7 or Article 57.

(Special Rules for Hearing)

Article 76 (1) When intending to issue an order under the provisions of Article 38, Article 53 or Article 58-30 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33 and Article 59), an administrative agency must hold a hearing regardless of the category of procedure for the declaration of

opinions provided for in the provisions of paragraph (1) of Article 13 of the Administrative Procedure Act (Act No. 88 of 1993).

- (2) For a disposition taken under Article 9, Article 30, Article 34, Article 38, paragraph (4) of Article 52, Article 53, Article 58-11 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of Article 58-12), paragraph (1) or (2) of Article 58-15, Article 58-27 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59) or Article 58-30 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59), the inquiry made on the date of the hearing must be open to the public.
- (3) When persons concerned with respect to such disposition wish to participate in the procedure of a hearing under the provisions of paragraph (1) of Article 17 of the Administrative Procedure Act, the person in charge of the preceding paragraph must permit them to participate.

(Request for Administrative Review over Dispositions Taken by the Institute)

Article 77 Those who may have a complaint about dispositions made or inaction under this Act or any order pursuant thereto by the Institute, a designated examining agency, designated container inspection agency, person with a registered container inspection station, designated inspection agency for specified equipment, or accreditation agency for designated equipment may make a request for administrative review to the Minister of Economy, Trade and Industry. In this case, the Minister of Economy, Trade and Industry is deemed to be the higher administrative authority of the Institute, designated examining agency, designated container inspection agency, person with a registered container inspection station, designated inspection agency for specified equipment, or accreditation agency for designated equipment with regard to the application of the provisions of Article 25, paragraph (2) and paragraph (3), Article 46, paragraph (1) and paragraph (2), and Article 49, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014).

(Hearing as Part of Request for Review Procedure)

Article 78 (1) The determination in response to a request for review, excluding the dismissal of a request for review pursuant to the provisions of Article 24 of the Administrative Appeal Act, in respect to any disposition made or inaction under this Act or any order pursuant thereto (except for dispositions taken concerning the result of container inspection or re-inspection, accessory

inspection or re-inspection, specified equipment inspection or accreditation of designated equipment) must be given to the person requesting review after an open hearing to be held by a review officer specified in the provisions of Article 11, paragraph (2) of the Administrative Appeal Act, upon prior notice allowing such person a reasonable period of time.

(2) At the hearing under the preceding paragraph, the person requesting review and the parties concerned must be given an opportunity to show evidence and state their opinion.

(3) The provisions of Article 31 of the Administrative Appeal Act do not apply to requests for review specified in paragraph (1), and the provisions of Article 31, paragraph (2) to paragraph (5) apply mutatis mutandis to the open hearing specified in paragraph (1).

(Restriction on Requests for Review)

Article 78-2 No requests for review may be made for any dispositions made under Article 39.

(Transitional Measures)

Article 78-3 The order instituting, amending or abolishing any order under this Act may prescribe therein transitional measures as required (including transitional measures for penal provisions) to the extent deemed reasonably necessary for such institution, amendment or abolishment.

(Duties Performed by Prefectures or Designated Cities)

Article 78-4 A part of the duties which fall under the authority of the Minister of Economy, Trade and Industry under this Act may be delegated to prefectural governors or mayors of designated cities (designated cities specified in Article 252-19, paragraph (1) of the Local Autonomy Act; the same applies in Article 79-2 and Article 79-3) pursuant to the provisions of a Cabinet Order.

(Delegation of Authority)

Article 79 The authority vested in the Minister of Economy, Trade and Industry under this Act or any order pursuant thereto may be delegated to a head of the Industrial Safety and Inspection Department or other administrative organs pursuant to the provisions of a Cabinet Order.

(Instructions by the Minister of Economy, Trade and Industry)

Article 79-2 The Minister of Economy, Trade and Industry may give necessary instructions to prefectural governors or mayors of designated cities in relation to the duties they are to perform under this Act or pursuant to the provisions of Cabinet Order as prescribed by Article 78-4 hereof, in the event they find it

urgently necessary to do so for the maintenance of public safety or the prevention of disasters.

(Special Provisions for Large Cities)

Article 79-3 In designated cities, business performed by a prefectural governor pursuant to the provisions of Chapter II and Chapter III (excluding Article 29, paragraph (3), Article 29-2, paragraph (1), Article 30, Article 31, paragraph (2), and Article 31-2, paragraph (1) and paragraph (3)), Article 39-11, Article 49-30 (including the cases where applied mutatis mutandis pursuant to Article 49-33, paragraph (2)), Article 49-35, Article 56-4, paragraph (3) (including the cases where applied mutatis mutandis pursuant to Article 56-6-14, paragraph (4) and Article 56-8, paragraph (3)), Article 61, paragraph (1), Article 62, paragraph (1), Article 63, Article 64, Article 65, paragraph (1), and Article 74 are to be performed by the mayor of a designated city (excluding business specified by Cabinet Order as being more appropriately handled by a prefectural governor in an integrated manner throughout the territory of the prefecture rather than by the mayor of a designated city from the viewpoint of maintenance of public safety or the prevention of disasters). In this case, provisions relating to prefectural governors with respect to the business specified in the first sentence of this Act are to apply to the mayors of designated cities as if they were provisions concerning the mayors of designated cities.

## **Chapter VI Penal Provisions**

Article 80 Any person who falls under any of the following items is punished by imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen, or both:

- (i) A person who has produced high pressure gas without obtaining the permission required under paragraph (1) of Article 5;
- (ii) A person who has violated an order to suspend production under paragraph (1) of Article 38;
- (iii) A person who has violated an order to suspend the use of facilities for production under item (i) of Article 39 or the prohibition or restriction of production under item (ii) of the Article;
- (iii)-2 A person who has violated an order under Article 49-30 or Article 49-35;
- or
- (iv) A person who has violated an order under Article 53.

Article 80-2 In the event of a violation by a designated completion inspection agency, designated import inspection agency, designated safety inspection

agency, designated container inspection agency, designated inspection agency for specified equipment, accreditation agency for designated equipment, or investigation agency for inspection organization, etc. of an order to suspend business under Article 58-30 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59), the officers or personnel who have committed such violation is punished by imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen, or both.

Article 80-3 Any person who falls under any of the following items is punished by imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen:

- (i) A person who has leaked any secrets which have come to their knowledge through the administrative work of issuing a certificate in violation of the provisions of paragraph (2) of Article 29-2; or
- (ii) A person who has leaked any confidential information which has come to their knowledge through the examination service in violation of the provisions of paragraph (1) of Article 58-13.

Article 80-4 In the event of a violation by a designated examining agency of an order to suspend the examination service under paragraph (2) of Article 58-15, the officers or personnel who have committed such violation are punished by imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.

Article 80-5 Any person who has disclosed or misappropriated any confidential information they acquired in relation to their duties in violation of the provisions of Article 59-26 is punished by imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen.

Article 81 Any person who falls under any of the following items is punished by imprisonment with work of not more than 6 months or a fine of not more than 500,000 yen, or both:

- (i) Deletion
- (ii) A person who has executed construction work to change the location, configuration, or equipment of facilities for production or has changed the type or the method of production of the high pressure gas produced without the permission required under paragraph (1) of Article 14;
- (iii) A person who has violated any provisions of paragraph (1) of Article 16, paragraph (1) or (3) of Article 20, paragraph (1), (3), or (4) of Article 27-2,



- paragraph (1) or (2) of Article 27-3, paragraph (1) of Article 27-4, paragraph (1) of Article 28, paragraph (1) of Article 33, paragraphs (1) to (4) of Article 48, paragraph (1) of Article 51, or paragraph (1) of Article 52;
- (iv) A person who has executed construction work to change the location, configuration, or equipment of a High Pressure Gas Storage Place without the permission required under paragraph (1) of Article 19;
  - (iv)-2 A person who has violated an order under paragraph (3) of Article 22;
  - (v) Deletion
  - (vi) A person who has violated an order to suspend storage under paragraph (1) of Article 38 or an order to suspend production, storage, sale, or consumption under paragraph (2) of the Article;
  - (vii) A person who has violated an order under item (i) of Article 39 to suspend the use of a Class 1 or Class 2 Storage Place, sales locations or facilities for consuming specific high pressure gas or has violated prohibition or restriction under item (ii) of the Article regarding delivery, storage, transportation, consumption, or disposal or who has violated an order under item (iii) of the Article;
  - (viii) A person who has failed to mark as required under any provisions of paragraph (1) or (2) of Article 46, paragraph (1) of Article 47, paragraph (3) of Article 54, or paragraph (1) of Article 56-5 (including the cases where applied mutatis mutandis pursuant to paragraph (1) of Article 56-6-15 and paragraph (1) of Article 56-9) or has stamped or marked fraudulently;
  - (ix) A person who has had a container registered by a container inspection station which has failed to stamp or attach a marking plate as required under the provisions of paragraph (3) or (4) of Article 49 or paragraph (3) of Article 49-4, or by a container inspection station with a false stamp or marking plate attached thereunder;
  - (x) A person who has conducted the re-inspection of containers or accessories in violation of the restriction under paragraph (4) of Article 50 or a person who has conducted the inspection of specified equipment in violation of the restrictions under paragraph (2) of Article 56-6-4;
  - (xi) A person who has violated the conditions of permission referred to in Article 65.

Article 82 Any person who falls under any of the following items is punished by a fine of not more than 500,000 yen:

- (i) A person who has violated any provisions of paragraph (1) or (2) of Article 11, paragraph (1) of Article 15, paragraph (1) or (2) of Article 18, paragraph (1) of Article 20-6, paragraph (1) of Article 22, paragraph (2) of Article 28, Article 37, paragraph (1) of Article 44, paragraph (3) of Article 45, paragraph (3) of Article 46, paragraph (2) of Article 47, paragraph (5) of Article 49,

paragraph (1) of Article 49-2, paragraph (2) of Article 49-3, paragraph (4) of Article 49-4, paragraph (2) of Article 51, paragraph (2) of Article 56-4 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of Article 56-6-14 and paragraph (3) of Article 56-8) or paragraph (2) of Article 56-5 (including the cases where applied mutatis mutandis pursuant to paragraph (1) of Article 56-9);

(ii) Deletion

(iii) A person who has failed to undergo the inspection as required under the provisions of paragraph (1) or (2) of Article 56-3;

(iii)-2 A person who has produced high pressure gas without drawing up their own hazard prevention rule referred to in paragraph (1) of Article 26;

(iv) A person who has violated an order under paragraph (2) of Article 41; or

(v) A person who has violated the prohibitions under Article 49-26.

Article 83 Any person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

(i) A person who has failed to submit a notification report as required under any provisions of paragraph (2) of Article 10, paragraph (2) of Article 14, paragraph (2) of Article 17, paragraph (2) of Article 19, Article 20-7, Article 21, Article 24-4, paragraph (1) of Article 26, paragraph (5) of Article 27-2 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 27-4, paragraph (3) of Article 28 or paragraph (3) of Article 33), paragraph (6) of Article 27-2 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of Article 27-3), paragraph (1) or (2) of Article 39-9, Article 49-12, Article 49-14, paragraph (2) of Article 52, Article 56-2, Article 56-6-9, Article 56-6-11, paragraph (1) of Article 63 or has submitted a false notification report thereunder;

(ii) A person who has violated any provisions of paragraph (1) or (2) of Article 12, Article 13, Article 23, Article 24, paragraph (1) or (2) of Article 24-3, Article 24-5, Article 25, paragraph (1) of Article 36, paragraph (3) of Article 56 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of the Article), Article 56-6 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-15 and paragraph (2) of Article 56-9), Article 57 or Article 64;

(ii)-2 A person who has started the business of production provided for in item (i) of the paragraph or the production provided for in item (ii) of the paragraph without submitting a notification report under the provisions of paragraph (2) of Article 5 or has submitted a false notification report;

(ii)-3 A person who has executed construction work to change the location, configuration, or equipment of the facilities for production or who has changed the type of high pressure gas for production or the production

- method without submitting a notification report under the provisions of paragraph (4) of Article 14 or has submitted a false notification report;
- (ii)-4 A person who has stored high pressure gas without submitting a notification report under the provisions of paragraph (1) of Article 17-2 or has submitted a false notification report;
  - (ii)-5 A person who has executed construction work to change the location, configuration, or equipment of a Class 2 Storage Place without submitting a notification report under the provisions of paragraph (4) of Article 19 or has submitted a false notification report;
  - (ii)-6 A person who has sold high pressure gas without submitting a notification report under Article 20-4 or has submitted a false notification report;
  - (ii)-7 A person who has consumed specific high pressure gas without submitting a notification report under paragraph (1) of Article 24-2 or has submitted a false notification report;
  - (iii) A person who has violated an order under the provisions of Article 30 or paragraph (1) of Article 56 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of the Article);
  - (iv) A person who has refused, obstructed, or evaded inspection or sampling as required under paragraph (1) of Article 35 or paragraph (1) of Article 62;
  - (iv)-2 A person who has failed to produce inspection records as required under the provisions of Article 35-2 or has made false inspection records or has failed to keep inspection records ;
  - (iv)-2-2 A person who has failed to prepare inspection records, prepared false inspection records, failed to store inspection records, or refused to submit inspection records in violation of the provisions of paragraph (2) of Article 39-10 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of the Article);
  - (iv)-3 A person who has submitted a false notification to the prefectural governor, or the firefighter or fire corps volunteer, or the coast guard officer in respect to the occurrence of a situation as described in paragraph (1) of Article 36, without cause;
  - (iv)-4 A person who has failed to return the registration certificate without justifiable grounds in violation of the provisions of Article 49-19;
  - (iv)-5 A person who has failed to carry out an inspection or prepare inspection records, prepared false inspection records or failed to retain inspection records in violation of the provisions of paragraph (2) of Article 56-6-13;
  - (iv)-6 A person who has failed to return the registration certificate without justifiable grounds in violation of the provisions of Article 56-6-20;
  - (v) A person who has failed to keep books as required under the provisions of paragraph (1) of Article 60 or has made a false statement therein or has

- failed to retain books;
- (vi) A person who has failed to report as required under the provisions of paragraph (1) of Article 61 or paragraph (2) of Article 63 or has made a false report thereunder; or
  - (vii) A person who has failed to answer questions under the provisions of paragraph (1) or (5) of Article 62 or has made a false answer thereto.

Article 83-2 In the event of violations as listed in any of the following items, the officers or personnel of a designated training agency, designated examining agency, designated completion inspection agency, designated import inspection agency, designated safety inspection agency, designated container inspection agency, designated inspection agency for specified equipment, accreditation agency for designated equipment, or investigation agency for inspection organization, etc., who have committed the violation are punished by a fine of not more than 300,000 yen:

- (i) When they have discontinued the whole of the examination services without obtaining the permission under paragraph (1) of Article 58-8;
- (i)-2 When they have failed to submit a notification report as required under the provisions of Article 58-24 (including the cases where applied *mutatis mutandis* pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59) or have submitted a false notification report;
- (ii) When they have failed to keep books as required under the provisions of paragraph (2) of Article 60 or have made a false description therein or have failed to store books;
- (iii) When they have failed to report as required under paragraphs (2) to (4) of Article 61 or have made a false report thereunder; or
- (iv) When they have refused, obstructed, or evaded inspection as required under paragraphs (2) to (4) of Article 62 or have failed to answer questions under the provisions of these paragraphs or made false answers thereto.

Article 83-3 The officers or personnel of the Institute who have failed to report as required under paragraph (1) of Article 59-35 or made a false report thereunder or have refused, obstructed, or evaded the inspection as required under the same paragraph are punished by a fine of not more than 300,000 yen.

(Dual Punishment)

Article 84 In the event of any violation under Articles 80, 81, 82, or 83 by a representative of a corporation or by an agent, employee, or other worker of a corporation or individual in relation to the business of such corporation or

individual, such corporation or individual is also punished by a fine under this Article in addition to the performer (actual offender) being punished by a punishment thereunder.

Article 85 If any of the following events apply, the officers or personnel of the Institute who have committed the violation are punished by a civil fine of not more than 200,000 yen:

- (i) Failure to obtain the authorization or approval of the Minister of Economy, Trade and Industry as required under the provisions of this Act;
- (ii) Failure to make the registration in violation of Cabinet Order as required under the provisions of paragraph (1) of Article 59-6;
- (iii) Performance of any business other than the business as provided for in paragraphs (1) and (3) of Article 59-28;
- (iv) Violation of an order of the Minister of Economy, Trade and Industry under paragraph (3) of Article 59-29, paragraph (4) of Article 59-30 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of Article 59-30-2) or paragraph (2) of Article 59-34; or
- (v) Failure to submit the financial statements in violation of the provisions under paragraph (1) of Article 59-33 or submission thereof with a false description therein.

Article 86 Any person who falls under any of the following items is punished by a non-penal fine of not more than 100,000 yen:

- (i) Any person who has failed to submit a notification report under paragraph (2) of Article 10-2 (including when applied mutatis mutandis pursuant to paragraph (2) of Article 24-2) or paragraph (2) of Article 20-4-2 or has submitted a false notification report;
- (ii) Any person using the name "High Pressure Gas Safety Institute of Japan" in violation of the provisions of Article 59-7.