

Act on Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food

(Act No. 57 of November 27, 2019)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to contribute to sustainable development in the agricultural, forestry, fishery, and food industries by providing for the establishment of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food, providing for the formulation of a basic policy and action plan, and implementing measures such as the issuance of export certificates, the certification of export project plans, and the certification of organizations for facilitating the export of agricultural, forestry, and fishery products and food, in order to facilitate the export of agricultural, forestry, and fishery products and food that are produced in Japan.

(Definitions)

- Article 2 (1) In this Act, the term "agricultural, forestry, or fishery product" includes anything manufactured or processed (other than what is prescribed in the following paragraph) that uses an agricultural, forestry, or fishery product as a raw material or ingredient and that is specified by order of the competent ministry.
- (2) In this Act, the term "food" means all food and drink (other than pharmaceuticals as provided in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices (Act No. 145 of 1960), quasi-pharmaceutical products as provided in paragraph (2) of that Article, and regenerative medicine products as provided in paragraph (9) of that Article).
- (3) In this Act, the term "organization for facilitating the export of agricultural, forestry, and fishery products and food" means an organization that persons working to export agricultural, forestry, and fishery products and food establish for the purpose of helping facilitate the export of agricultural, forestry, and fishery products and food.
- (4) In this Act, the term "registered issuing body" means a person that has been registered by the competent minister pursuant to Article 20, paragraph (1), and the term "registered certifying body" means a person that has been registered by the competent minister pursuant to Article 35, paragraph (1).

Chapter II Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food

(Establishment)

Article 3 The Headquarters for the Export of Agricultural, Forestry and Fishery Products and Food (hereinafter referred to as "Headquarters") is hereby established as a special body under the Ministry of Agriculture, Forestry and Fisheries.

(Administrative Functions under the Jurisdiction of Headquarters)

Article 4 Headquarters is responsible for the following administrative functions:

- (i) those concerned with the planning, development, and advancement of basic policies for facilitating the export of agricultural, forestry, and fishery products and food; and
- (ii) those concerned with the coordination of functions among the administrative ministries concerned in the export of agricultural, forestry, and fishery products and food.

(Organization)

Article 5 Headquarters consists of the Director-General of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food, and members of the Headquarters for Export of Agricultural, Forestry, and Fishery Products and Food.

(Director-General of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food)

Article 6 (1) The head position at Headquarters is the Director-General of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food (referred to as the "Director-General of Headquarters" in the following paragraph and Article 7, paragraph (2), item (vii)), and the Minister of Agriculture, Forestry, and Fisheries serves in this capacity.

(2) The Director-General of Headquarters manages the administrative functions of the Headquarters.

(Members of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food)

Article 7 (1) Headquarters has in place members of the Headquarters for the Export of Agricultural, Forestry, and Fishery Products and Food (referred to as "Headquarters members" in the following paragraph).

(2) The persons set forth in the following items serve as Headquarters members:

(i) the Minister of Internal Affairs and Communications;

(ii) the Minister of Foreign Affairs;

(iii) the Minister of Finance;

(iv) the Minister of Health, Labour and Welfare;

(v) the Minister of Economy, Trade and Industry;

(vi) the Minister of Land, Infrastructure, Transport and Tourism; and

(vii) persons beyond those set forth in the preceding items whom the Prime Minister appoints from among Ministers of State other than the Director-General of Headquarters at the request of the Minister of Agriculture, Forestry and Fisheries.

(Request to Submit Materials; Related Matters)

Article 8 (1) Headquarters may ask the head of relevant administrative organs to submit materials, give an opinion or explanation, or provide any other necessary cooperation if it finds this to be necessary in order for it to perform the administrative functions under its jurisdiction.

(2) Headquarters may also request that a person other than one provided for in the preceding paragraph provide the necessary cooperation if it finds this to be particularly necessary in order for it to perform the administrative functions under its jurisdiction.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided in Article 3 through the preceding Article, Cabinet Order provides for the necessary particulars in connection with the organization and management of Headquarters.

Chapter III Basic Policy; Related Matters

(Basic Policy)

Article 10 (1) Headquarters is to establish a basic policy on facilitating the export of agricultural, forestry, and fishery products and food (hereinafter referred to as the "basic policy").

(2) The basic policy is to provide for the following:

- (i) a basic direction for measures to facilitate the export of agricultural, forestry, and fishery products and food;
- (ii) basic particulars regarding the deliberations with the governmental organizations of a country of destination (meaning a country or region constituting the place of destination for an agricultural, forestry, or fishery product or food being exported from Japan; the same applies hereinafter) with regard to the import conditions that the governmental organizations of that country of destination establish (meaning conditions related to food sanitation, the quarantine of plants, animals, and livestock products, and other such things that the governmental organizations of the country of destination establish for agricultural, forestry, and fishery products or food that are being imported; the same applies hereinafter) that are needed to facilitate the export of agricultural, forestry, and fishery products and food;
- (iii) basic particulars regarding the issuance of certificates and the development of other such procedures that are needed in order to streamline the export of agricultural, forestry, and fishery products and food that conform to import conditions;
- (iv) basic particulars regarding support for businesses that are working to export agricultural, forestry, and fishery products and food; and
- (v) basic particulars regarding support for organizations for facilitating the export of agricultural, forestry, and fishery products and food;
- (vi) basic particulars regarding the arrangements that need to be made for standards, as well as the , in order to facilitate the export of agricultural, forestry, and fishery products and foods, including measures for obtaining the provided for in Article 2, paragraph (4) of Act on Japanese Agricultural Standards (Act No. 175 of 1950) and measures involved in making a Japanese Agricultural Standard as provided in paragraph (2) of Article into an internationally recognized standard provided for in Article 72, paragraph

- (2) of that Act;
- (vii) basic particulars regarding the protection and use of the intellectual property provided for in Article 2, paragraph (1) of Intellectual Property Basic Act (Act No. 122 of 2002) that are necessary to facilitate the export of agricultural, forestry, and fishery products and food, including enabling reciprocal protection with countries of destination for the names of the specified agricultural, forestry, and fishery products and foodstuffs provided for in Article 2, paragraph (2) of the Act on Protection of Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Act No. 84 of 2014);
- (viii) the particulars of measures needed to facilitate the export of agricultural, forestry, and fishery products and food, beyond what is provided in the preceding items.
- (3) Having established or amended the basic policy, Headquarters must make this public without delay.

(Responsibility of the National Government)

- Article 11 (1) The national government is responsible for advancing measures for facilitating the export of agricultural, forestry, and fishery products and food in a comprehensive and integrated manner.
- (2) The national government must endeavor to provide the information, guidance, advice, and other assistance that is necessary to the work that businesses are doing to export agricultural, forestry, and fishery products and food.
- (3) The national government must endeavor to provide the information, guidance, advice, and other assistance that is necessary to the work that organizations for facilitating the export of agricultural, forestry, and fishery products and food are doing to facilitate the export of agricultural, forestry, and fishery products and food.

(Responsibility of Prefectures and Equivalent Entities)

- Article 12 (1) Prefectures, cities that have health centers, and special wards (hereinafter each of these is individually referred to as a "prefecture or equivalent entity") are responsible for developing the necessary procedures to streamline the export of agricultural, forestry, and fishery products and food in keeping with the actual conditions of the region and for taking other such measures, in order to facilitate the export of agricultural, forestry, and fishery products and food.
- (2) A prefecture or equivalent entity must endeavor to provide the information, guidance, advice, and other such assistance that is necessary to the work a business is doing to export agricultural, forestry, and fishery products and food, in keeping with the actual conditions of the region.

(Collaboration and Cooperation Among Concerned Parties)

Article 13 The national government, prefectures and equivalent entities, Japan Finance Corporation (referred to as the "JFC" in Article 41 and Article 42 paragraph (1)), and other such concerned parties must endeavor to collaborate and cooperate with one another to facilitate the export of agricultural, forestry, and fishery products and food in a comprehensive and integrated manner.

Chapter IV Action Plan

Article 14 (1) Headquarters is to develop an action plan for facilitating the export of agricultural, forestry, and fishery products and food (hereinafter referred to as the "action plan" in this Article) in accordance with the basic policy.

(2) Headquarters is to provide for the following in the action plan:

(i) countries of destination and agricultural, forestry, and fishery products and food that will be the focus of measures being implemented based on the particulars provided in the basic policy that are set forth in Article 10, paragraph (2), items (ii) through (viii) (hereinafter referred to as "export facilitation measures" in this Article);

(ii) the substance and implementation period of export facilitation measures;

(iii) the minister responsible for implementing export facilitation measures; and

(iv) necessary particulars regarding the implementation of export facilitation measures, beyond what is provided in the preceding three paragraphs.

(3) At least once each fiscal year, Headquarters is to compile information on the progress and implementation status of export facilitation measures; evaluate the progress of export facilitation measures and the effectiveness of their implementation; review the action plan in consideration of the results of its evaluation, changes in economic circumstances, and other such conditions; and make alterations to the action plan.

(4) Before seeking to develop or alter the action plan, Headquarters must hear the opinions of the certified organizations for facilitating the export of agricultural, forestry, and fishery products and food provided for in Article 43, paragraph (2).

(5) Having developed or altered the action plan, Headquarters must make it public without delay.

(6) Having carried out an evaluation as referred to in paragraph (3), Headquarters must make public the progress and implementation status of export facilitation measures and the results of the evaluation.

Chapter V Measures That the National Government and Others Take to Streamline the Export of Agricultural, Forestry, and Fishery Products and Food

Section 1 Issuance of Export Certificates; Related Matters

(Issuance of Export Certificates)

Article 15 (1) If a governmental organization of a country of destination calls for the competent minister to issue an export certificate (meaning a certificate showing that an agricultural, forestry, or fishery product or food conforms to the country of destination's import conditions; the same applies hereinafter) for an agricultural, forestry, or fishery product or food for which import conditions have been established, and an application has been filed by a business that is engaged in the export of that agricultural, forestry, or fishery product or food, the competent minister may issue an export certificate pursuant to order of the competent ministry.

(2) If a governmental organization of a country of destination calls for a prefectural governor or the mayor of a city that has a health center, or the mayor of a special ward (hereinafter referred to as the "governor or mayor") to issue an export certificate for an agricultural, forestry, or fishery product or food for which import conditions have been established, and an application has been filed by a business that is engaged in the export of that agricultural, forestry, or fishery product or food, a governor or mayor, pursuant to order of the competent ministry, may issue an export certificate for an agricultural, forestry, or fishery product or food that is produced, manufactured, processed, or distributed in the area under that governor's or mayor's jurisdiction.

(3) If a governmental organization of a country of destination calls for a registered issuing body to issue an export certificate for an agricultural, forestry, or fishery product or food for which import conditions have been established, and an application has been filed by a business that is engaged in the export of that agricultural, forestry, or fishery product or food, a registered issuing body may issue an export certificate pursuant to order of the competent ministry.

(4) A person seeking issuance of an export certificate from the competent minister pursuant to paragraph (1) must pay to the national government fees in the amount that Cabinet Order prescribes within a scope not exceeding actual costs.

(Designation of Conforming Areas)

Article 16 (1) If a governmental organization of a country of destination calls for the competent minister to designate an area (including an area of sea; the same applies hereinafter in this paragraph and paragraph (6)) that conforms to

the requirement that there be no risk of a harmful substance being incorporated into an agricultural, forestry, or fishery product or food during the course of its production, manufacture, processing, or distribution in that area and to any other such requirement that the government organizations of a country of destination establish (hereinafter referred to as the "designation requirements" in this Article) (an area conforming to the designation requirements is hereinafter referred to as a "conforming area" in this Article and Article 37, paragraph (4), item (iii)) for anything that an order of the competent ministry prescribes as an agricultural, forestry, or fishery product or food whose production, manufacture, processing, or distribution in a conforming area has been established as an import condition (hereinafter referred to as a "product or food whose import conditions include sourcing from an area that meets the designation requirements" in this Article and Article 37, paragraph (4), item (iii)) the competent minister, pursuant to order of the competent ministry, may designate a conforming area for a product or food whose import conditions include sourcing from an area that meets the designation requirements.

- (2) If the governmental organization of a country of destination calls for a governor or mayor to designate a conforming area for a product or food whose import conditions include sourcing from an area that meets the designation requirements, the governor or mayor, pursuant to order of the competent ministry, may designate, within the area under that governor's or mayor's jurisdiction, a conforming area for a product or food whose import conditions include sourcing from an area that meets the designation requirements.
- (3) Having designated a conforming area pursuant to the preceding two paragraphs, the competent minister or the governor or mayor is to regularly verify that the conforming area conforms to the designation requirements, pursuant to order of the competent ministry.
- (4) If the competent minister or a governor or mayor finds, as a result of a verification under the preceding paragraph, that a conforming area personally designated thereby pursuant to paragraph (1) or (2) no longer conforms to the designation requirements, the competent minister or governor or mayor in question is to revoke the designation or alter the conforming area.
- (5) Having designated a conforming area pursuant to paragraph (2) or having revoked a designation or altered a conforming area pursuant to the preceding paragraph, a governor or mayor must report this to the competent minister without delay, pursuant to order of the competent ministry.
- (6) The competent minister must compile and make public information on the conforming areas that the minister has designated pursuant to paragraph (1) (including conforming areas whose designations the minister has revoked and conforming areas which the minister has altered pursuant to paragraph (4), if

applicable; the same applies hereinafter in this paragraph) and information on the conforming areas regarding which the minister has received reports under the preceding paragraph.

(Certification of Conforming Establishments)

Article 17 (1) If a governmental organization of a country of destination calls for the competent minister to certify an establishment that conforms to the requirement that measures be taken to prevent the occurrence of food sanitation hazards and to any other such requirement that the government organizations of a country of destination establish (hereinafter referred to as the "certification requirements" in this Article) (an establishment conforming to the certification requirements is hereinafter referred to as a "conforming establishment") for anything that an order of the competent ministry prescribes as an agricultural, forestry, or fishery product or food whose production, manufacture, processing, or distribution at a conforming establishment has been established as an import condition (hereinafter referred to as a "product or food whose import conditions include sourcing from an establishment that meets the certification requirements", and an application has been filed by the establisher or manager of an establishment associated with a product or food whose import conditions include sourcing from an establishment that meets the certification requirements (hereinafter referred to simply as an "establisher or manager" in this Article and in Article 53), the competent minister, pursuant to order of the competent ministry, may certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements.

(2) If a governmental organization of a country of destination calls for a governor or mayor to certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, and an application has been filed by the establisher or manager of an establishment located in the area under the jurisdiction of that governor or mayor that is associated with a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, the governor or mayor, pursuant to order of the competent ministry, may certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements.

(3) If a governmental organization of a country of destination calls for a registered certifying body to certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, and an application has been filed by the

establisher or manager of an establishment that is associated with a product or food whose import conditions include sourcing from an establishment that meets the certification requirements, a registered certifying body, pursuant to order of the competent ministry, may certify a conforming establishment for a product or food whose import conditions include sourcing from an establishment that meets the certification requirements.

- (4) Having certified a conforming establishment pursuant to the preceding three paragraphs, the competent minister, governor or mayor, or registered certifying body is to regularly verify that the conforming establishment satisfies the certification requirements, pursuant to order of the competent ministry.
- (5) If the competent minister, governor or mayor, or registered certifying body finds, as a result of the verification under the preceding paragraph, that a conforming establishment that the minister, governor, mayor, or body has personally certified pursuant to paragraphs (1) through (3) no longer conforms to the certification requirements, the minister, governor, mayor, or body is to call for the establisher or manager of that conforming establishment to improve this, and is to revoke the certification if this is not improved even after the call for improvement.
- (6) Having certified a conforming establishment pursuant to paragraph (2) or (3) or having revoked a certification pursuant to the preceding paragraph, a governor or mayor or registered certifying body must report this to the competent minister without delay, pursuant to order of the competent ministry.
- (7) The competent minister must compile and make public information on the conforming establishments that the minister has certified pursuant to paragraph (1) (including establishments whose certifications the minister has revoked pursuant to paragraph (5), if applicable; the same applies hereinafter in this paragraph) and information on the conforming establishments regarding which the minister has received reports under the preceding paragraph (including as applied mutatis mutandis pursuant to Article 53, paragraph (6)).
- (8) An establisher or manager seeking to have an establishment certified by the competent minister pursuant to paragraph (1) must pay to the national government fees in the amount that Cabinet Order prescribes within a scope not exceeding actual costs.

Section 2 Registered Issuing Bodies

(Registering Persons as Registered Issuing Bodies)

Article 18 (1) Pursuant to order of the competent ministry and for each category specified by order of the competent ministry, a person seeking registration as a

registered issuing body (hereinafter simply referred to as "registration" in this Section) must file an application for registration with the competent minister, paying to the national government fees in the amount that Cabinet Order prescribes within a scope not exceeding actual costs.

- (2) If an application under the preceding paragraph has been filed and the Minister of Agriculture, Forestry and Fisheries finds it to be necessary to do so, the minister may have the Food and Agricultural Materials Inspection Center (hereinafter referred to as "the Center") perform the necessary investigations into whether or not the application conforms to the requirements set forth in the items of Article 20, paragraph (1).

(Ineligibility)

Article 19 A person falling under one of the following items is not entitled to be registered:

- (i) a person that has been sentenced to a fine or heavier punishment for violating this Act or an administrative measure under this Act, if one year has not passed since the day on which that person finished serving the sentence or ceased to be subject to its enforcement;
- (ii) a person that has had a registration revoked pursuant to Article 30, paragraphs (1) through (3), if one year has not passed since the date of the revocation (if the person whose registration was revoked is a corporation, this means a person that, within the 30 days before the date of revocation, was an officer engaged in the business operations of the corporation associated with the revocation, if one year has not passed since the date of that revocation); and
- (iii) a corporation that has an officer engaged in its business operations who falls under either of the preceding two paragraphs.

(Registration Criteria)

Article 20 (1) If a person that has filed an application for registration pursuant to Article 18, paragraph (1) (referred to as an "applicant for registration" in item (ii)) conforms to all the following requirements, the competent minister must register that person. This being the case, order of the competent ministry provides for the necessary procedures involved in registration:

- (i) the applicant for registration conforms to the criteria that order of the competent ministry prescribes as those that are necessary in order for the applicant to properly issue export certificates as under Article 15, paragraph (3) (hereinafter referred to as the "issuance" of export certificates);
- (ii) the applicant for registration does not fall under any of the following as a person that is controlled by a person whose business it is to produce, sell, or similarly handle an agricultural, forestry, or fishery product or food for

which import conditions have been established (hereinafter referred to as a "dealer" in this item and Article 27, paragraph (2)):

- (a) it is a stock company and has a dealer as its parent company (meaning a parent company as provided in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005); the same applies in Article 35, paragraph (1), item (ii), (a));
 - (b) it is a corporation, and the officers and employees of a dealer (including persons that were officers and employees of a dealer in the past two years) account for more than one half of its officers (or its executive managing members, if it is a membership company (meaning a membership company as provided in Article 575, paragraph (1) of the Companies Act); the same applies in Article 35, paragraph (1), item (ii), (b)); and
 - (c) the applicant for registration (or the officer who has the authority to act as the applicant's representative, if the applicant is a corporation) is an officer or employee of a dealer (this includes a person who was the officer or employee of a dealer in the past two years).
- (2) The competent minister makes a registration by entering the following particulars in a register:
- (i) the date of registration and registration number;
 - (ii) the name and address of the registered issuing body, and if it is a corporation, the name of its representative;
 - (iii) the type of export certificates that the registered issuing body issues; and
 - (iv) the locality of the place of business where the registered issuing body carries out operations related to the issuance of export certificates.
- (3) Having made a registration, the competent minister must issue public notice of the particulars set forth in the items of the preceding paragraph without delay.

(Renewal of Registration)

- Article 21 (1) Unless a registration is renewed at the intervals of not less than three years specified by Cabinet Order, it loses its validity upon the passage of the period in question.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to a renewal of registration referred to in the preceding paragraph.
 - (3) If an application to renew a registration as referred to in paragraph (1) has been filed but administrative measures have not been taken for that application by the date of expiration of the period referred to in that paragraph (hereinafter referred to as the "registration term" in this Article), the previous registration remains valid even after the expiration of the registration term until the measures are taken.
 - (4) In the case referred to in the preceding paragraph, if the registration is

renewed, the registration term for the renewed registration is to commence on the day following the date of expiration of the registration term for the previous registration.

- (5) If an application to renew a registration as referred to in paragraph (1) has not been filed by at least six months prior to the date of expiration of the registration term, or if a registration loses its validity pursuant to paragraph (1), the competent minister must issue public notice of this without delay.

(Succession)

Article 22 (1) If a registered issuing body transfers all of the business associated with that registration, the person acquiring the business succeeds to the status of that registered issuing body; if a registered issuing body is subject to inheritance, the heir (or any person that all of the heirs have selected by consent as the heir who will take over the business, if there are two or more heirs) succeeds to the status of that registered issuing body; if a registered issuing body is subject to a merger (but only one in which it has another person succeed to all of the business associated with that registration), the corporation surviving the merger or established by the merger succeeds to the status of that registered issuing body; and if a registered issuing body is subject to a company split (but only one in which it has another person succeed to all of the business associated with that registration), the corporation taking over all of its business as a result of the split succeeds to the status of that registered issuing body.

- (2) A person succeeding to the status of a registered issuing body pursuant to the preceding paragraph must file a notification of this with the competent minister without delay, attaching a document evidencing this fact.
- (3) Having received a notification under the preceding paragraph, the competent minister must issue public notice of this without delay.

(Implementing Operations Related to the Issuance of Export Certificates)

Article 23 (1) Having been called upon to issue an export certificate, a registered issuing body must issue it without delay, unless it has legitimate grounds for not doing so.

- (2) A registered issuing body must carry out operations related to the issuance of export certificates fairly and in a manner that conforms to the criteria provided by order of the competent ministry.

(Filing Notification of a Change to the Place of Business)

Article 24 (1) If a registered issuing body seeks to change the locality of the place of business where it carries out operations related to the issuance of export certificates, it must file a notification of this with the competent

minister at least two weeks prior to the date it seeks to change this.

- (2) Having received a notification under the preceding paragraph, the competent minister must issue public notice of this without delay.

(Operating Rules)

Article 25 (1) A registered issuing body must establish rules for operations related to the issuance of export certificates (referred to as "operating rules" in the following paragraph) and file them with the competent minister before the commencement of operations related to the issuance of export certificates. The same applies if it seeks to change them.

- (2) In the operating rules, a registered issuing body must establish how it issues export certificates, how it calculates the fees associated with their issuance, and other such particulars specified by order of the competent ministry.

(Suspension and Discontinuation of Operations)

Article 26 (1) If a registered issuing body seeks to suspend or discontinue all or part of its operations related to the issuance of export certificates, it must file a notification of this with the competent minister pursuant to order of the competent ministry at least six months prior to the date on which it seeks to suspend or discontinue them.

- (2) Having received a notification under the preceding paragraph, the competent minister must issue public notice of this without delay.

(Retention and Inspection of Financial Statements)

Article 27 (1) Within three months after the end of each business year, a registered issuing body must prepare an inventory of property, a balance sheet, a profit and loss statement or income and expenditure statement, and a business report for that business year (this includes electronic or magnetic records (meaning records used in computer data processing that are created in electronic form, magnetic form, or any other form that cannot be perceived with the human senses; the same applies hereinafter in this Article), if electronic or magnetic records are prepared in lieu of these written documents; referred to as "financial statements" in the following paragraph and Article 69, item (ii)) and retain them at its place of business for five years.

- (2) A dealer or any other such interested person may make the following requests at any time during the business hours of a registered issuing body; provided, however, that a dealer or other such interested person must pay the fees specified by the registered issuing body to make the request referred to in item (ii) or (iv):

- (i) a request to inspect or copy the document in question, if a financial statement has been prepared as a paper document;

- (ii) a request for a certified copy or extract of a document as referred to in the preceding item;
- (iii) a request to inspect or copy something that has been made to show the information recorded in the relevant electronic or magnetic record through the means prescribed by order of the competent ministry, if a financial statement has been prepared as an electronic or magnetic record; and
- (iv) a request to be provided with the information recorded in an electronic or magnetic record as referred to in the preceding item by electronic or magnetic means (meaning a means that order of the competent ministry prescribes of using an electronic information processing system or of employing other such information and communications technology) or a request to be issued a paper document giving that information.

(Order for Conformity)

Article 28 On finding that a registered issuing body has ceased to conform to one of the requirements set forth in the items of Article 20, paragraph (1), the competent minister may order it to take necessary measures to conform to those requirements.

(Order for Improvement)

Article 29 On finding that a registered issuing body is in violation of Article 23 or on finding its issuance of export certificates to be inappropriate, the competent minister may order it to carry out operations related to the issuance of export certificates or to take the necessary measures to improve the way it issues export certificates or carries out other such operations.

(Revocation of Registration)

Article 30 (1) If a registered issuing body comes to fall under one of the items of Article 19, the competent minister must revoke its registration.

(2) If a registered issuing body falls under one of the following items, the competent minister may revoke its registration or order it to suspend all or part of the operations related to the issuance of export certificates during a specified period not exceeding one year:

- (i) if it violates Article 23, Article 24, paragraph (1), Article 25, paragraph (1), Article 26, paragraph (1), Article 27 paragraph (1), or the following Article;
- (ii) if it refuses a request under Article 27, paragraph (2) without legitimate grounds for doing so;
- (iii) if it violates an order under the preceding two Articles; and
- (iv) if it was registered or had its registration renewed by wrongful means.

(3) Beyond as provided in the preceding two paragraphs, if, without legitimate grounds for doing so, a registered issuing body fails to commence the

operations related to the issuance of export certificates for which it has been registered even though one year has passed since the day it was registered, or if it has suspended those operations continuously for one year or longer, the competent minister may revoke its registration.

(4) Having taken an administrative measure under the preceding three paragraphs, the competent minister must issue public notice of this without delay.

(Entry in Books)

Article 31 A registered issuing body must keep books, enter in these the particulars that order of the competent ministry prescribes in connection with operations related to the issuance of export certificates, and preserve them.

(Duty of Confidentiality)

Article 32 It is prohibited for a registered issuing body or a person who is or was its officer or employee to divulge any confidential information learned in connection with operations related to the issuance of export certificates, or use such information for the organization's, officer's, or employee's own benefit.

(Prohibition on Misleading Actions by Persons Not Constituting Registered Issuing Bodies)

Article 33 It is prohibited for a person that is not a registered issuing body to make a representation, put out an advertisement, or take any other such action that would tend to mislead a person into believing that the operations it carries out are related to the issuance of export certificates.

Section 3 Registered Certifying Bodies

(Registering Persons as Registered Certifying Bodies)

Article 34 Pursuant to order of the competent ministry for each category specified by order of the competent ministry, a person seeking registration as a registered certifying body (hereinafter simply referred to as "registration" in this Article and the following Article) must file an application for registration with the competent minister, paying to the national government fees in the amount that Cabinet Order prescribes within a scope not exceeding actual costs.

(Registration Criteria)

Article 35 (1) If a person that has filed an application for registration pursuant to the preceding Article (referred to as "applicant for registration" in item (ii)) conforms to all the following requirements, the competent minister must

register that person. This being the case, order of the competent ministry provides for the necessary procedures involved in registration:

- (i) the applicant for registration conforms to the criteria that order of the competent ministry prescribes as those that are necessary in order for the applicant to properly carry out certifications under Article 17, paragraph (3) and verifications under Article 17, paragraph (4) (hereinafter referred to as "certifications and verifications").
 - (ii) the applicant for registration does not fall under any of the following as a person that is controlled by a person whose business it is to produce, sell, or similarly handle a product or food whose import conditions include sourcing from an establishment that meets the certification requirements (hereinafter referred to as a "dealer" in this item):
 - (a) it is a stock company and has a dealer as its parent company;
 - (b) it is a corporation, and the officers and employees of a dealer (including persons that were officers and employees of a dealer in the past two years) account for more than one half of its officers (or its executive managing members, if it is a membership company); and
 - (c) the applicant for registration (or the officer who has the authority to act as the applicant's representative, if the applicant is a corporation) is an officer or employee of a dealer (this includes a person who was the officer or employee of a dealer in the past two years).
- (2) The competent minister makes a registration by entering the following particulars in a register:
- (i) the date of registration and registration number;
 - (ii) the name and address of the registered certifying body, and if it is a corporation, the name of its representative;
 - (iii) the type of product or food whose import conditions include sourcing from an establishment that meets the certification requirements for which the registered certifying body carries out certifications and verifications; and
 - (iv) the locality of the place of business where the registered certifying body carries out certification and verification operations.

(Application Mutatis Mutandis)

Article 36 The provisions of Article 18, paragraph (2), Article 19, Article 20, paragraph (3), and Articles 21 through 33 apply mutatis mutandis to registered certifying bodies. In such a case, in Article 18, the phrase "the preceding paragraph" in Article 18, paragraph (2) is deemed to be replaced with "Article 34" and the phrase "each item of Article 20, paragraph (1)" is deemed to be replaced with "each item of Article 35, paragraph (1)"; in Article 20, paragraph (3), the phrase "each item of the preceding paragraph" is deemed to be replaced with "each item of Article 35, paragraph (2)"; in Article 21,

paragraph (2), the phrase "the preceding three Articles" is deemed to be replaced with "Article 34; Article 35; and Article 18, paragraph (2), Article 19, and paragraph (3) of the preceding Article, as applied mutatis mutandis pursuant to Article 36"; in Article 23, Article 24, paragraph (1), Article 25, Article 26, paragraph (1), Article 29, Article 30, paragraphs (2) and (3), and Articles 31 through 33, the term "issuance" is deemed to be replaced with "certification or verification"; in Article 27, paragraph (2), the phrase "dealer" is deemed to be replaced with "dealer provided for in Article 35, paragraph (1), item (ii)"; and in Article 28, the phrase "each item of Article 20, paragraph (1)" is deemed to be replaced with "each item of Article 35, paragraph (1)".

Chapter VI Measures to Support Businesses That Are Working to Export Agricultural, Forestry, and Fishery Products and Food

(Certification of Export Project Plans)

Article 37 (1) A person or persons working to export an agricultural, forestry, or fishery product or food produced in Japan may independently or jointly prepare a plan for a project to rationalize, increase the sophistication of, or otherwise improve production, manufacturing, processing, or distribution to expand the export of an agricultural, forestry, or fishery product or food (hereinafter such a project is referred to as an "export project") (such a plan is referred to as an "export project plan" hereinafter) and, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries, may submit this to the Minister of Agriculture, Forestry and Fisheries and have it certified.

(2) An export project plan is to contain the following particulars:

- (i) the objectives of the export project;
- (ii) the agricultural, forestry, or fishery product or food subject to the export project and the countries of destination;
- (iii) the substance and implementation period of the export project;
- (iv) the amount of funds needed to implement the export project and the way of procuring them; and
- (v) other particulars provided by Order of the Ministry of Agriculture, Forestry and Fisheries.

(3) In addition to the particulars set forth in the items of the preceding paragraph, an export project plan may give the following particulars concerning arrangements for facilities that will be used in the export project.

- (i) the substance of the arrangements for the facilities, such as the type of facilities and their scale;
- (ii) the location, parcel number, land category, and area of the land that will be used for the facilities; and
- (iii) other particulars provided by Order of the Ministry of Agriculture,

Forestry and Fisheries.

- (4) If an application for certification as referred to in paragraph (1) has been filed and the export project plan conforms to all the following items, the Minister of Agriculture, Forestry and Fisheries is to grant a certification:
 - (i) the export project plan is appropriate in light of the basic policy;
 - (ii) the export project is expected to be carried out in a reliable manner;
 - (iii) the agricultural, forestry, or fishery product or food associated with the export project is produced, manufactured, processed, or distributed in a conforming area designated under Article 16, paragraph (1) or (2) (or in the altered conforming area, if the conforming area in question has been altered pursuant to Article 16, paragraph (4)), if it is a product or food whose import conditions include sourcing from an area that meets the designation requirements;
 - (iv) the agricultural, forestry, or fishery product or food associated with the export project is produced, manufactured, processed, or distributed by a conforming establishment certified pursuant to Article 17, paragraphs (1) through (3), if it is a product or food whose import conditions include sourcing from an establishment that meets the certification requirements;
- (5) Having received an application for the certification referred to in paragraph (1), the Minister of Agriculture, Forestry and Fisheries must notify the Minister who has jurisdiction over the business that is the subject of the export project plan for which that application has been filed (referred to as the "competent minister for the business" in the following paragraph) of the substance of the application without delay.
- (6) If the competent minister for the business has been notified as under the preceding paragraph and finds it to be necessary to do so, the competent minister for the business may give an opinion to the Minister of Agriculture, Forestry and Fisheries.
- (7) The Minister of Agriculture, Forestry and Fisheries must consult with the prefectural governor (or with the mayor of the designated municipality as provided in Article 4, paragraph (1) of the Cropland Act (Act No. 229 of 1952) (hereinafter referred to as a "designated municipality" in this paragraph and in Article 60, item (i)) within whose geographical area the land in question is located, if applicable; hereinafter the same applies in this paragraph) and obtain the governor's consent for the particulars set forth in the items of paragraph (3) (limited to particulars that concern land as referred to in paragraph (3), item (ii) that constitutes cropland (meaning land used for cultivation (including the planting of agricultural crops that is deemed to constitute cultivation pursuant to Article 43, paragraph (1) of the Cropland Act; hereinafter the same applies in this paragraph); hereinafter the same applies), in connection with which a person is required to get the permission

referred to in Article 4, paragraph (1) of the Cropland Act before converting it from cropland into non-cropland with the object of using it for the facilities referred to in paragraph (3), or in connection with which the permission referred to in Article 5, paragraph (1) must be obtained before a person acquires ownership of the land or rights to use or profit from it in order to convert it from cropland into non-cropland with the object of using it for the facilities referred to in paragraph (3); and to particulars that concern land as referred to in paragraph (3), item (ii) that constitutes meadow/pastureland (meaning non-cropland used primarily for collecting grass to benefit a cultivation-related business, or non-cropland used primarily for grazing livestock to benefit a livestock farming-related business; the same applies hereinafter), in connection with which the permission referred to in Article 5, paragraph (1) of the Cropland Act must be obtained before a person acquires ownership of the land or rights to use or profit from it in order to convert it from meadow/pastureland into non-meadow/pastureland) before seeking to carry out a certification as referred to in paragraph (1) for an export project plan in which those particulars have been included. In such a case, the prefectural governor, pursuant to Cabinet Order, is to give that consent if the governor finds that those particulars meet the following requirements:

- (i) if cropland would be converted into non-cropland: the circumstances do not fall under a case in which, pursuant to Article 4, paragraph (6) of the Cropland Act, it is not permissible for the governor to grant the permission referred to in paragraph (1) of that Article; and
- (ii) if a person would acquire ownership or rights to use and profit from the land in order to convert it from cropland into non-cropland or from meadow/pastureland into non-meadow/pastureland: the circumstances do not fall under a case in which, pursuant to Article 5, paragraph (2) of the Cropland Act, it is not permissible for the governor to grant the permission referred to in paragraph (1) of that Article.

(Alteration of an Export Project Plan; Related Matters)

Article 38 (1) Before seeking to alter an export project plan that has been certified as referred to in paragraph (1) of the preceding Article, the person that had the plan certified (hereinafter referred to as a "certified commercial exporter") is to have the alteration certified by the Minister of Agriculture, Forestry and Fisheries.

(2) On finding that a certified commercial exporter is not implementing an export project in accordance with the export project plan to which its certification pertains (or the altered export project plan, if an alteration has been certified pursuant to the preceding paragraph; hereinafter referred to as the "certified export project plan"), the Minister of Agriculture, Forestry and Fisheries may

revoke the certification.

- (3) The provisions of paragraphs (4) through (7) of the preceding Article apply mutatis mutandis to the certification of an alteration under paragraph (1).

(Special Exceptions to the Cropland Act)

Article 39 (1) The permission referred to in Article 4, paragraph (1) of the Cropland Act is deemed to have been obtained if a certified commercial exporter converts cropland into non-cropland in accordance with a certified export project plan (limited to one in which the particulars set forth in the items of Article 37, paragraph (3) have been included; the same applies in the following paragraph) with the object of using it for the facilities referred to in paragraph (3) of that Article.

- (2) The permission referred to in Article 5, paragraph (1) of the Cropland Act is deemed to have been obtained if a certified commercial exporter acquires ownership or rights to use and profit from land in accordance with a certified export project plan in order to convert that land from cropland into non-cropland or from meadow/pastureland into non-meadow/pastureland with the object of using it for the facilities referred to in Article 37, paragraph (3).

(Special Exceptions to the Act on Rationalizing Distribution and Improving Transactional Propriety for Food and Other Products)

Article 40 (1) The Organization of Food-Marketing Structure Improvement designated pursuant to Article 16, paragraph (1) of the Act on Rationalizing Distribution and Improving Transactional Propriety for Food and Other Products (Act No. 59 of 1991; referred to as the "Food and Product Distribution Act" hereinafter in this Article and in Article 50) (this organization is referred to as "OFSI" in the following paragraph and in paragraph 50) may carry out the following operations, in addition to the operations set forth in the items of Article 17 of the Food and Product Distribution Act:

- (i) guaranteeing obligations connected with the borrowing of the funds needed for an export project implemented in accordance with a certified export plan (hereinafter referred to as a "certified export project") that has food or other products (meaning food or other products as provided in Article 2, paragraph (1) of the Food and Product Distribution Act; the same applies in the following item and in Article 50, paragraph (1), item (i)) as its subject;
 - (ii) arranging for the funds needed for a certified export project that has food or other products as its subject; and
 - (iii) carrying out operations incidental to the operations set forth in the preceding two items.
- (2) To apply the provisions of the Food and Product Distribution Act to operations set forth in the items of the preceding paragraph that OFSI carries

out pursuant to the provisions of that paragraph, the phrases set forth in the middle column of the following table which appear in the provisions of the Food and Product Distribution Act set forth in the left-hand column of that table are deemed to be replaced with the phrases set forth in the right-hand column of that table.

Article 18, paragraph (1)	services set forth in item (i) of the preceding Article	services set forth in item (i) of the preceding Article and services set forth in Article 40, paragraph (1), item (i) of the Act on Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food (Act No. 57 of 2019; hereinafter referred to as the "Export Facilitation Act")
Article 19, paragraph (1)	services set forth in Article 17, item (i)	services set forth in Article 17, item (i) and services set forth in Article 40, paragraph (1) of the Export Facilitation Act
Article 23, paragraph (1), Article 24, and Article 25 paragraph (1), item (i)	services set forth in the items of Article 17	services set forth in the items of Article 17 and services set forth in the items of Article 40, paragraph (1) of the Export Facilitation Act
Article 25, paragraph (1), item (iii)	this section	this Section or the Export Facilitation Act
Article 32, item (ii)	Article 23, paragraph (1)	Article 23, paragraph (1) as applied following a deemed replacement of terms pursuant to Article 40, paragraph (2) of the Export Facilitation Act
Article 32, item (iii)	Article 24	Article 24 as applied following a deemed replacement of terms pursuant to Article 40, paragraph (2) of the Export Facilitation Act

(Special Exceptions to the Japan Finance Corporation Act)

Article 41 (1) In addition to the operations provided for in Article 11 of the

Japan Finance Corporation Act (Act No. 57 of 2007; referred to as the "JFC Act" hereinafter in this Article and the following Article), JFC may carry out operations for lending funds to a certified commercial exporter that constitutes a person as set forth in one of the following items, if those funds are long-term, low-interest funds that contribute to ensuring a stable food supply or contribute to the sustainable and sound development of the agriculture, forestry, or fisheries industry and are needed for implementing a certified export project, and if they constitute those of the funds that the relevant item prescribes (limited to funds that it is difficult for another financial institution to provide) that are designated by the Minister of Agriculture, Forestry and Fisheries and the Minister of Finance:

- (i) a small or medium-sized enterprise (meaning a small or medium-sized enterprise provided for in Article 2, item (iii) of the JFC Act; the same applies in paragraph (1) of the following Article): funds whose redemption period exceeds ten years; or
 - (ii) a person that is in the agriculture, forestry, or fisheries industry, or a corporation that is made up of such persons (including a corporation that is related through contributions to such a person or corporation), that is specified by Order of the Ministry of Agriculture, Forestry and Fisheries/Order of the Minister of Finance: funds that are difficult for these persons to procure in the capital market.
- (2) JFC establishes the interest rate, redemption period, and deferment period of loans involving the funds provided for in the preceding paragraph, within the limits stipulated by Cabinet Order.
- (3) To apply the provisions of the JFC Act to the lending of funds provided for in paragraph (1) that JFC carries out pursuant to the provisions of that paragraph, the phrases set forth in the middle column of the following table which appear in the provisions of the JFC Act set forth in the left-hand column of that table are deemed to be replaced with the phrases set forth in the right-hand column of that table.

Article 11, paragraph (1), item (vi)	services set forth in the preceding items	services set forth in the preceding items and services set forth in Article 41, paragraph (1) of the Act on Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food (Act No. 57 of 2019; hereinafter referred to as the "Export Facilitation Act")
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Article 12, paragraph (1)	services set forth in the preceding items	services set forth in the preceding items and services set forth in Article 40, paragraph (1) of the Export Facilitation Act
Article 31, paragraph (2), item (i)(b) and Article 41, item (ii)	or services set forth in item (ii) of Appended Table II	services set forth in item (ii) of the Appended Table, or services set forth in Article 40, paragraph (1) of the Export Facilitation Act
	item (v) of that paragraph	services set forth in Article 41, paragraph (1) of the Export Facilitation Act and ... Article 11, paragraph (1), item (v)
Article 53	item (v) of that paragraph	services set forth in Article 41, paragraph (1) of the Export Facilitation Act and ... Article 11, paragraph (1), item (v)
Article 58 and Article 59, paragraph (1)	this Act	This Act, the Export Facilitation Act
Article 64, paragraph (1), item (iv)	or services set forth in item (ii) of Appended Table II	services set forth in item (ii) of Appended Table II, or services provided for in Article 41, paragraph (1) of the Export Facilitation Act
	item (v) of that paragraph	services provided for in Article 41, paragraph (1) of the Export Facilitation Act and ... Article 11, paragraph (1), item (v)
Article 73, item (iii)	Article 11	Article 11 and Article 41, paragraph (1) of the Export Facilitation Act
item (ix) of Appended Table 2	or the fund-lending services set forth in the right-hand column of items (i) through (xiv) of Appended Table I	the fund-lending services set forth in the right-hand column of items (i) through (xiv) of Appended Table I, or services provided for in Article 41, paragraph (1) of the Export Facilitation Act

Article 42 (1) Notwithstanding Article 11 of the JTC Act, JTC may guarantee

obligations (including actions equivalent to the guaranteeing of obligations, through which it takes obligations upon itself) connected with the long-term borrowing of funds (limited to the borrowing of funds from a foreign bank or other such financial institution provided for by Order of the Ministry of Agriculture, Forestry and Fisheries/Order of the Ministry of Economy, Trade and Industry/Ministry of Finance Order) needed for a certified commercial exporter (limited to either a small or medium-sized enterprise or a person overseas that is specified by Order of the Ministry of Agriculture, Forestry and Fisheries/Order of the Ministry of Economy, Trade and Industry/Ministry of Finance Order as being equivalent to such an enterprise) to implement a certified export project overseas.

- (2) To apply the JTC Act, the guaranteeing of obligations provided for in the preceding paragraph is deemed to be one of the "operations set forth in the left-hand column of Appended Table II, item (iv)" of the JTC Act, under Article 11, paragraph (1), item (ii) of the JTC Act.

Chapter VII Certified Organizations for Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food

(Certified Organizations for Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food)

Article 43 (1) Pursuant to order of the competent ministry and at the application of an organization for facilitating the export of agricultural, forestry, and fishery products and food that is found to conform to the requirements set forth in the items of paragraph (6), the competent minister may certify that organization as a person that carries out the operations provided for in the following paragraph and in paragraph (3) (hereinafter referred to as "export-facilitation operations").

- (2) A person that has been certified as referred to in the preceding paragraph (hereinafter referred to as a "certified organization for facilitating the export of agricultural, forestry, and fishery products and food") is to carry out the following operations:
- (i) conducting research and studies into the markets in countries of destination, their import conditions, and other such matters that need to be researched or studied in order to facilitate the export of agricultural, forestry, and fishery products and food;
 - (ii) developing demand for agricultural, forestry, and fishery products and food in countries of destination, including participating in business meetings and engaging in public relations and advertising; and
 - (iii) providing the necessary information and advice to persons working to export agricultural, forestry, and fishery products and food.

- (3) In addition to the operations listed in the items of the preceding paragraph, a certified organization for facilitating the export of agricultural, forestry, and fishery products and food may carry out the following operations:
- (i) formulating the standards needed to facilitate the export of agricultural, forestry, and fishery products and food, including standards for their quality and packaging; and
 - (ii) building and operating a mechanism for collecting contributions based on things such as the production quantities of agricultural, forestry, and fishery products and food and allocating those contributions to making the necessary environmental arrangements for facilitating the export of those agricultural, forestry, and fishery products and food, with the consent of persons working to export them;
- (4) An organization for facilitating the export of agricultural, forestry, and fishery products and food seeking the certification referred to in paragraph (1) must submit a written application containing the following information (hereinafter referred to as a "written application" in this Article) to the competent minister, pursuant to order of the competent ministry:
- (i) the name and address of the organization and the name of its representative;
 - (ii) the type of agricultural, forestry, and fishery products or foods that are the subject of its export-facilitation operations;
 - (iii) information about the governing structure of its export-facilitation operations;
 - (iv) information about securing the necessary funds to run its export-facilitation operations; and
 - (v) information about its members.
- (5) The internal rules for the export-facilitation operations to which the application pertains (referred to as "operational rules" in the following paragraph and in Article 45) must accompany the written application.
- (6) If the competent minister has received an application for the certification referred to in paragraph (1) and finds that the organization for facilitating the export of agricultural, forestry, and fishery products and food to which the application pertains conforms to the following requirements, the competent minister is to grant that certification:
- (i) the content of the written application form and operational rules is appropriate in light of the basic policy;
 - (ii) the content of the written application and operational rules does not violate laws and regulations;
 - (iii) the content of the operational rules conforms to the following standards:
 - (a) it helps expand exports of agricultural, forestry, and fishery products or foods;

- (b) it ensures close coordination with businesses (limited to those working to export agricultural, forestry, and fishery products and food) during the series of processes that take agricultural, forestry, and fishery products and food from production to sale; and
- (c) it does not restrict the target of its export-facilitation operations to agricultural, forestry, and fishery products and food that are produced, manufactured, or processed in a specific region.
- (iv) it has sufficient knowledge, capabilities, and financial basis to properly and reliably carry out export-facilitation operations; and
- (v) beyond what is set forth in the preceding items, it conforms to the requirements that order of the competent ministry specifies as being needed in order to properly and reliably carry out export-facilitation operations.

(Ineligibility)

Article 44 A person falling under one of the following items is not entitled to be granted the certification referred to in paragraph (1) of the preceding Article:

- (i) a person not constituting a corporation;
- (ii) a corporation or an officer conducting its business that has been sentenced to a fine or heavier punishment pursuant to the provisions of this Act, if it has not been one year since the corporation or officer completed the sentence or ceased to be subject to it;
- (iii) a corporation that has had the certification referred to in paragraph (1) of the preceding Article rescinded pursuant to the provisions of Article 48, if it has not been one year since the date of rescission; or
- (iv) a corporation that has, as an officer conducting its business, a person who, within the 30 days before a rescission under Article 48 of the certification referred to in paragraph (1) of the preceding Article, was an officer conducting the business of the corporation that was subject to that rescission, if it has not been one year since the day of the rescission.

(Certification of Alterations)

Article 45 (1) Before a certified organization for facilitating the export of agricultural, forestry, and fishery products and food seeks to alter a particular set forth in one of the items of Article 43, paragraph (4) or its operational rules (other than a minor alteration specified by order of the competent ministry) it must have the alteration certified by the competent minister pursuant to order of the competent ministry.

- (2) If a certified organization for facilitating the export of agricultural, forestry, and fishery products and food makes a "minor alteration specified by the order of the competent ministry" as referred to in the preceding paragraph, it must notify the competent minister of this without delay.

(3) The provisions of Article 43, paragraphs 4 through 6 apply mutatis mutandis to the certification of an alteration referred to in paragraph (1).

(Notification of Discontinuation)

Article 46 Before a certified organization for facilitating the export of agricultural, forestry, and fishery products and food discontinues the export-facilitation operations for which it has been certified, it must first file a notification of this with the competent minister, pursuant to order of the competent ministry.

(Improvement Order)

Article 47 If the competent minister finds there to be a need for improvement in the directing of export-facilitation operations at a certified organization for facilitating the export of agricultural, forestry, and fishery products and food, the minister may order the organization to take the necessary measures to improve this.

(Revoking Certifications)

Article 48 The competent minister may revoke the certification of a certified organization for facilitating the export of agricultural, forestry, and fishery products and food if it falls under any of the following items:

- (i) if it no longer complies with the requirements set forth in the items of Article 43, paragraph (6);
- (ii) if it comes to fall under Article 44, item (i), item (ii), or item (iv);
- (iii) if it is discovered to have obtained the certification referred to in Article 43, paragraph (1) (or the certification of an alteration referred to in Article 45, paragraph (1)) by wrongful means;
- (iv) if it fails to give the report under Article 57, paragraph (2), or if it has given a false report; or
- (v) if it violates this Act or an administrative disposition based on this Act.

(Special Exceptions to the Small and Medium-Sized Enterprises Credit Insurance Act)

Article 49 A certified organization for facilitating the export of agricultural, forestry, and fishery products and food (limited to one that is a general incorporated association or general incorporated foundation (limited to a general incorporated association for which one-half or more of the rights to vote at its general meeting of members are held by a small or medium-sized enterprise (meaning a small or medium-sized enterprise provided for in Article 2, paragraph (1) of the Small and Medium-Sized Enterprises Credit Insurance Act (Act No. 264 of 1950); hereinafter the same applies in this Article), or a

general incorporated foundation for which one-half or more of the value of the assets contributed at the time of its incorporation were contributed by a small or medium-sized enterprise)) that has become subject to a guarantee of obligations provided for in Article 3, paragraph (1) or Article 3-2, paragraph (1) of the Small and Medium-Sized Enterprises Credit Insurance Act for the funds needed to implement its export-facilitation operations is deemed to be a Small or Medium-Sized Enterprise, and the provisions of Article 3, Article 3-2, and Articles 4 through 8 of that Act apply. In such a case, in Article 3, paragraph (1) and Article 3-2, paragraph (1) of that Act, the phrase "borrowings" is deemed to be replaced with "the borrowing of the funds needed to implement the export-facilitation operations provided for in Article 43, paragraph (1) of the Act on Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food (Act No. 57 of 2019) that are carried out by a certified organization for facilitating the export of agricultural, forestry, and fishery products and food provided for in Article 49 of that Act".

(Special Exceptions to the Food and Product Distribution Act)

Article 50 (1) In addition the operations set forth in the items of Article 17 of the Food and Product Distribution Act, OFSI may carry out the following operations:

- (i) guaranteeing obligations connected with the borrowing of the funds needed for the export-facilitation operations that a certified organization for facilitating the export of agricultural, forestry, and fishery products and food carries out (limited to an organization carrying out export-facilitation operations that have food or other products as the subject; the same applies in the following item);
- (ii) arranging for the necessary funds for certified organizations for facilitating the export of agricultural, forestry, and fishery products and food; and
- (iii) carrying out operations incidental to the operations set forth in the preceding two items.

(2) To apply the provisions of the Food and Product Distribution Act to operations set forth in the items of the preceding paragraph that OFSI carries out pursuant to the provisions of that paragraph, the phrases set forth in the middle column of the following table which appear in the provisions of the Food and Product Distribution Act set forth in the left-hand column of that table are deemed to be replaced with the phrases set forth in the right-hand column of that table.

Article 18, paragraph (1)	services set forth in item (i) of the preceding Article	services set forth in item (i) of the preceding Article and services set forth in Article 40, paragraph (1), item (i) of the Act on Facilitating the Export of Agricultural, Forestry, and Fishery Products and Food (Act No. 57 of 2019; hereinafter referred to as the "Export Facilitation Act")
Article 19, paragraph (1)	services set forth in Article 17, item (i)	services set forth in Article 17, item (i) and services set forth in Article 40, paragraph (1), item (i) of the Export Facilitation Act
Article 23, paragraph (1), Article 24, and Article 25, paragraph (1), item (i)	services set forth in the items of Article 17	services set forth in the items of Article 17 or services set forth in the items of Article 40, paragraph (1) of the Export Facilitation Act
Article 25, paragraph (1), item (iii)	this section	this Section or the Export Facilitation Act
Article 32, item(ii)	Article 23, paragraph (1)	Article 23, paragraph (1) as applied following a deemed replacement of terms pursuant to Article 40, paragraph (2) of the Export Facilitation Act
Article 32, item (iii)	Article 24	Article 24 as applied following a deemed replacement of terms pursuant to Article 40, paragraph (2) of the Export Facilitation Act

(Cooperation by the Center)

Article 51 At the request of a certified organization for facilitating the export of agricultural, forestry, and fishery products and food, the Center may send specialists or provide other such necessary cooperation in connection with the implementation of the operations set forth in Article 43, paragraph (3), item (i).

(Support from Japan External Trade Organization)

Article 52 At the request of a certified organization for facilitating the export of

agricultural, forestry, and fishery products and food Japan External Trade Organization, IAA, must endeavor to provide the advice and other such support needed to implement export-facilitation operations.

Chapter VIII Miscellaneous Provisions

(Collection of Reports from Persons That Have Been Issued Export Certificates;
Related Matters)

- Article 53 (1) To the extent necessary for the enforcement of the provisions of Chapter V, Section 1, the competent minister may ask a person that has been issued an export certificate pursuant to Article 15, paragraphs (1) through (3) or the establisher or manager of a conforming establishment that has been certified pursuant to Article 17, paragraphs (1) through (3) to submit the necessary reports, books, documents, or other objects; or may have the relevant officials enter such a person's offices or place of business or any other such place where the person does business (hereinafter collectively referred to as the person's "business place") to investigate the status of that business place or the person's books, documents, and other objects or to question employees or other concerned persons.
- (2) To the extent necessary for the enforcement of the provisions of Chapter V, Section 1, a governor or mayor may ask a person that has been issued an export certificate pursuant to Article 15, paragraph (2) or the establisher or manager of a conforming establishment that has been certified pursuant to Article 17, paragraph (2) to submit the necessary reports, books, documents, or other objects; or may have the relevant officials enter the business place of the relevant person to inspect the status of that business place or the person's books, documents, and other objects or to question employees or other concerned persons.
- (3) An official conducting an on-site inspection or questioning pursuant to the preceding two paragraphs must carry identification and present it to the persons concerned upon request.
- (4) The authority to conduct on-site inspections and questioning pursuant to paragraph (1) and (2) must not be interpreted as being granted for the purpose of a criminal investigation.
- (5) If a person that has been issued an export certificate pursuant to Article 15, paragraph (1) or (2) or the establisher or manager of a conforming establishment that has been certified pursuant to Article 17, paragraph (1) or (2) fails to submit a report or object under paragraph (1) or (2) or submits a false report or object; refuses, obstructs, or avoids an on-site inspection under those provisions; or refuses to answer the questions under those provisions or gives a false answer, the competent minister or the governor or mayor may

revoke the export certificate that the minister, governor, or mayor has personally issued or revoke the certification of a conforming establishment that the minister, governor, or mayor has personally granted.

- (6) The provisions of Article 17, paragraph (6) apply mutatis mutandis to the revocation of a conforming establishment's certification under the preceding paragraph.

(Collection of Reports from Registered Issuing Bodies)

Article 54 (1) To the extent necessary for the enforcement of the provisions of Chapter V, the competent minister may ask a registered issuing body, a registered certifying body, or a business affiliated with these persons and their operations to submit the necessary reports, books, documents, or other objects; or may have the relevant officials enter the business place of the person or affiliate to inspect the status of operations connected with the issuance of export certificates or with certifications or verifications, to inspect its books, documents, or other objects, or to question employees or other such relevant persons.

- (2) The provisions of paragraph (3) and (4) of the preceding Article apply mutatis mutandis to on-site inspections and questioning under the preceding paragraph.

(On-site Inspections by the Center)

Article 55 (1) On finding it to be necessary to do so in a case as referred to in paragraph (1) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may have the Center enter the business place of a registered issuing body, a registered certifying body, or a business that is affiliated with these persons and their operations to inspect the status of operations connected with the issuance of export certificates or with certifications or verifications, to inspect its books, documents, or other objects, or to question its employees or other such relevant persons.

- (2) When having the Center conduct an on-site inspection or questioning pursuant to the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries, in instructing the Center to implement the on-site inspection or questioning, is to indicate the date and place of the on-site inspection or questioning and other necessary particulars.

- (3) Having conducted an on-site inspection or questioning under the instructions provided in the preceding paragraph pursuant to paragraph (1), the Center must report the result thereof to the Minister of Agriculture, Forestry and Fisheries pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries.

- (4) The provisions of Article 53, paragraph (3) and (4) apply mutatis mutandis to

on-site inspections and questioning under paragraph (1).

(Order to the Center)

Article 56 The Minister of Agriculture, Forestry and Fisheries may give the Center the necessary orders in connection with the operations involving an on-site inspection or questioning under paragraph (1) of the preceding Article, on finding that it is necessary to do so to ensure the proper implementation of those operations.

(Collection of Reports from Certified Commercial Exporters)

Article 57 (1) The Minister of Agriculture, Forestry and Fisheries may request that a certified commercial exporter submit a report on the status of implementation of the certified export project plan.

(2) The competent minister may request the certified organization for facilitating the export of agricultural, forestry, and fishery products and food to report on the implementation status of the export promotion business.

(Competent Ministers and Orders of the Competent Ministries)

Article 58 (1) The competent minister referred to in this Act is the Minister of Agriculture, Forestry and Fisheries, the Minister of Finance, or the Minister of Health, Labour and Welfare, as prescribed by Cabinet Order.

(2) The order of the competent ministry referred to in this Act is an order issued by the competent minister.

(Delegation of Authority)

Article 59 The authority of the Minister of Agriculture, Forestry and Fisheries that is provided for in this Act may be delegated to the head of a local branch office pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries; the authority of the competent minister that is provided for in this Act may be delegated to the head of a local branch office pursuant to order of the competent ministry.

(Classification of Administrative Functions)

Article 60 An administrative function as follows that a local government handles pursuant to this Act constitutes an item (i) statutory entrusted function as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947):

(i) a function that, pursuant to the provisions of Article 37, paragraph (7) (including as applied mutatis mutandis pursuant to Article 38, paragraph (3)), it has been established that the prefecture or the municipality is to handle (limited to functions related to an export project plan involving

actions that will convert cropland of over four hectares into non-cropland for use in the same project or actions by which a person will acquire the rights provided for in the main clause of Article 3, paragraph (1) of the Cropland Act to over four hectares of cropland or to meadow/pastureland together with that cropland, for use in the same project);

(ii) a function that, pursuant to the provisions of Article 53, paragraph (2), it has been established that the prefecture is to handle.

(Delegation to Order of the Ministry of Agriculture, Forestry and Fisheries)

Article 61 Beyond as provided in this Act, Order of the Ministry of Agriculture, Forestry and Fisheries or order of the competent ministry prescribes the procedures for implementing this Act and other necessary particulars connected with this Act's entry into effect.

Chapter IX Penal Provisions

Article 62 Having violated an order under Article 30, paragraph (2) (including as applied mutatis mutandis pursuant to Article 36) the violating registered issuing body or registered certifying body (or its representative, if it is a corporation) or the violating agent, employee, or other such worker of that organization is subject to imprisonment for not more than one year or to a fine of not more than 1 million yen.

Article 63 A person divulging confidential information learned in the course of duty or using that information for the person's own benefit, in violation of Article 32 (including as applied mutatis mutandis pursuant to Article 36), is subject to imprisonment for not more than one year or to a fine of not more than 500,000 yen.

Article 64 A person failing to submit a report or object under Article 54, paragraph (1) or submitting a false report or false object; refusing, obstructing, or avoiding an inspection under that paragraph or Article 55, paragraph (1); failing to answer a question under those provisions; or giving a false answer is subject to a fine of not more than 500,000 yen.

Article 65 If one of the following violations has occurred, the violating registered issuing body or registered certifying body (or its representative, if it is a corporation) or the violating agent, employee, or other such worker of that person is subject to a fine of not more than 500,000 yen:

(i) if the person fails to submit a report under Article 17, paragraph (6) or has submitted a false report;

- (ii) if the person suspends or discontinues all or part of operations without filing a notification under Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to Article 36), or if the person files a false notification; and
- (iii) if the person fails to make entries in books under Article 31 (including as applied mutatis mutandis pursuant to Article 36), makes false entries therein, or fails to retain them.

Article 66 A person failing to submit a report under Article 57, paragraph (1) or (2) or submitting a false report is subject to a fine of not more than 300,000 yen.

Article 67 (1) If the representative or manager of a corporation (including an association or foundation without judicial personality that has a representative or a manager; the same applies hereinafter in this paragraph), or the agent, employee, or other such worker of a corporation or individual has committed a violation as referred to in Article 62 or the preceding three Articles in connection with the operations of that corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

(2) When the provisions of the preceding paragraph apply to an association or foundation without judicial personality, the representative or manager represents it with regard to procedural acts and the provisions of laws concerning criminal proceedings that are applicable when a corporation is the defendant or a suspect apply mutatis mutandis.

Article 68 Having violated an order issued pursuant to Article 56, the officer of the Center who committed that violation is subject to a civil fine of not more than 200,000 yen.

Article 69 A person falling under one of the following items is subject to a civil fine of not more than 200,000 yen:

- (i) a person failing to file a notification under Article 22, paragraph (2) (including as applied mutatis mutandis pursuant to Article 36) or filing a false notification; and
- (ii) a person failing to retain financial statements, failing to enter the particulars required to be entered in financial statements, or making false entries, in violation of Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 36); or a person refusing a demand under Article 27, paragraph (2) (including as applied mutatis mutandis pursuant to Article 36) without legitimate grounds for doing so.

Supplementary Provisions [Act No. 57 of November 27, 2019] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2020.