

# Act on the Quality Control of Fertilizer

(Act No. 127 of May 1, 1950)

## (Purpose)

Article 1 The purpose of this Act is, by regulating the production, etc. of fertilizers, to secure the quality, fair trade, and safe use of fertilizers, which would contribute to maintaining and increasing agricultural productivity, as well as to help protect the health of the people.

## (Definitions)

Article 2 (1) The term a "fertilizer" as used in this Act means a substance used for the ground for the purpose of supplying nutrients to plants or bringing about a chemical change in the soil to help plants to grow, or a substance used for a plant for the purpose of feeding plants.

(2) The term a "special fertilizer" as used in this Act means rice bran, compost, or other fertilizers prescribed by the Minister of Agriculture, Forestry and Fisheries, and a "ordinary fertilizer" means a fertilizer other than a special fertilizer.

(3) The term "guaranteed amount of components" in this Act means the minimum amount of main components expressed as a percentage to be included in ordinary fertilizer, which is guaranteed by the manufacturer, importer, or vendor who manufactures, imports, or sells an ordinary fertilizer.

(4) The term "manufacturer" as used in this Act means a person who manufactures a fertilizer (including formulation, processing, or collecting process of fertilizer; the same applies hereinafter) in the course of trade, and the term "importer" means a person who imports fertilizer in the course of trade, and the term "vendor" means a person other than a manufacturer or importer, who sells fertilizer in the course of trade.

## (Official Specifications)

Article 3 (1) The Minister of Agriculture, Forestry and Fisheries establishes specifications for the matters prescribed in each of the following items in accordance with the types of an ordinary fertilizer set forth in the relevant items (hereinafter referred to as the "official specifications").

(i) an ordinary fertilizer (excluding specified in the following item) set forth in items (i), (ii), (iv), (vi), and (vii) of paragraph (1) of the following Article: the minimum or maximum amount of main components that must be included in the fertilizer, the maximum amount of components harmful to plants that may be contained in the fertilizer, and other necessary matters;

- (ii) an ordinary fertilizer listed in paragraph (1), items (i), (ii), (iv), (vi) and (vii) of the following article, which is specified by Order of the Ministry of Agriculture, Forestry and Fisheries as difficult to have its quality ensured unless the range of raw materials is limited: the minimum or maximum amount of main components that must be included, the raw materials used, the maximum amount of components harmful to plants that may be contained in the fertilizer, and other necessary matters;
  - (iii) an ordinary fertilizer set forth in paragraph (1), items (iii) and (v) of the following Article: the raw materials used and the maximum amount of components harmful to plants that may be contained in the fertilizer, and other necessary matters.
- (2) If the Minister of Agriculture, Forestry and Fisheries intends to establish, change, or repeal the official specifications, the minister must issue public notice of this, at least 30 days prior to that date.

(Obligation to Register Fertilizers)

Article 4 (1) A person who intends to manufacture an ordinary fertilizer in the course of trade must have the fertilizer set forth in items (i) through (vi) registered with the Minister of Agriculture, Forestry and Fisheries, and the fertilizer set forth in item (vii) with the prefectural governor who has jurisdiction over the location of the place of business where the fertilizer is manufactured, as to the ordinary fertilizer by each brand and classification.

- (i) an ordinary fertilizer manufactured by a chemical process (excluding those set forth in items (iii) through (v) and a calcareous fertilizer);
- (ii) an ordinary fertilizer manufactured by a process other than a chemical process which is guaranteed mainly to include components other than nitrogen, phosphoric acid, potassium carbonate, lime, or magnesium (excluding those set forth in item (iv));
- (iii) an ordinary fertilizer made from sludge as a raw material and other ordinary fertilizers whose main components vary significantly from brand to brand in terms of the characteristics of their raw materials, which is prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries as likely to contain components harmful to plants (excluding those listed in item (v));
- (iv) an ordinary fertilizer specified by Cabinet Order as a fertilizer whose component that is a substance contained in the fertilizer, could remain in plants (hereinafter referred to as "components of residue"), is likely to manufacture an agricultural product that can cause harm to humans or animals, depending on the use method (referred to as a "specified ordinary fertilizer"; excluding a fertilizer set forth in the following item);
- (v) a specified ordinary fertilizer that falls under the category of an ordinary

- fertilizer specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in item (iii);
- (vi) a blended ordinary fertilizer made by mixing one or more types of ordinary fertilizers set forth in the preceding items as the raw material (excluding fertilizers set forth in the preceding three items);
  - (vii) an ordinary fertilizer other than those set forth in the preceding items (including calcareous fertilizer)
- (2) The provisions of the preceding paragraph do not apply to the following fertilizers.
- (i) an ordinary fertilizer for which official specifications have not been established;
  - (ii) ordinary fertilizer (including those processed according to the method specified by the Minister of Agriculture, Forestry and Fisheries along with the formulation) that are blended with exclusively registered ordinary fertilizer as raw materials (excluding those listed in items (3) through (5)), which are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as not likely to deteriorate in quality due to chemical changes associated with compounding or processing
  - (iii) an ordinary fertilizer (including those processed according to the method specified by the Minister of Agriculture, Forestry and Fisheries as part of the blending) that are blended with exclusively registered ordinary fertilizer (excluding those listed in items (iv) and (v) of the preceding paragraph) and registered ordinary fertilizers (limited to those listed in item (iii) of the same paragraph) or special fertilizers (limited to those notified under Article 22, paragraph (1); the same applies in the following item) or both ordinary fertilizer, which are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as not likely to deteriorate in quality due to chemical changes associated with blending or processing; and
  - (iv) ordinary fertilizer (including those processed according to the method specified by the Minister of Agriculture, Forestry and Fisheries as part of the mixing) that are mixed with registered ordinary fertilizer (excluding those listed in items (iv) and (v) of the preceding paragraph) or special fertilizer or both and soil improvement materials (excluding fertilizers) prescribed in Article 11, paragraph (1) of Soil Fertility Enhancement Act (Act No. 34 of 1984), specified by Order of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "designated soil improvement materials"), special fertilizer, which are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as not likely to deteriorate in quality due to chemical changes associated with mixing or processing.
- (3) If an agricultural cooperative covering the area within the prefectural boundaries or any other person specified by Cabinet Order (referred to as an

"agricultural cooperative, etc." in Article 16-2, paragraph (2)) intends to manufacture an ordinary fertilizer set forth in paragraph (1), item (vi) for which official specifications have been established (excluding a blended fertilizer made by blending one or more types of ordinary fertilizers set forth in items (iii) through (v) of that paragraph as the raw material) in the course of trade, it must be registered by the prefectural governor who has jurisdiction over the location of the place of business where the fertilizer is manufactured, notwithstanding the provisions of that paragraph.

- (4) A person who intends to import an ordinary fertilizer in the course of trade must have the fertilizer registered by the Minister of Agriculture, Forestry and Fisheries; provided, however, that this does not apply to an ordinary fertilizer specified in each item in paragraph (2), and an ordinary fertilizer which has been registered pursuant to the provisions of Article 33-2, paragraph (1).

(Obligation to Have Fertilizer Provisionally Registered )

Article 5 A person who intends to manufacture or import an ordinary fertilizer for which official specifications have not been established (excluding ordinary fertilizers listed in paragraph (2), items (ii) through (iv) of the preceding Article (hereinafter referred to as "designated mixed fertilizer") and an ordinary fertilizer which has been provisionally registered pursuant to the provisions of Article 33-2, paragraph (1)) in the course of trade, must have the fertilizer provisionally registered by the Minister of Agriculture, Forestry and Fisheries.

(Application for Registration and Provisional Registration of Fertilizer)

Article 6 (1) A person intending to register or provisionally register a fertilizer must submit a written application providing the following matters, along with a fertilizer sample for which the registration or provisional registration is applied, to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor in accordance with the procedures prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries:

- (i) the name and address (or in case of a corporation, the name, the name of the representative, and the location of principal place of business);
- (ii) the type and name of the fertilizer (or in case of provisional registration, the name of the fertilizer);
- (iii) the guaranteed amount of components and other specifications (in case of a fertilizer set forth in Article 4, paragraph (1), items (iii) through (v), the raw materials used and other specifications; the same applies in Article 10, item (v) and Article 16, paragraph (1), item (iii));
- (iv) the name and location of the place of business where the fertilizer is manufactured, in the case of a manufacturer;
- (v) the location of the facility where the fertilizer is stored;

- (vi) the results of plant growth tests measuring the harm to plants as to the registration of a fertilizer prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, for which the plant growth test is particularly necessary in judging from the raw materials or production method, etc. used for the fertilizer, in order to prove that the fertilizer is not harmful to plants;
  - (vii) the list of applicable plants, if the application for registration of specified ordinary fertilizer is filed;
  - (viii) the use method and the results of plant growth tests measuring the components of residue, as to the registration of a specified ordinary fertilizer to be used for plants including agricultural products;
  - (ix) the application method and the results of plant growth tests, if the application for a provisional registration is filed;
  - (x) the list of applicable plants, if the application for the provisional registration of the specified ordinary fertilizer is filed;
  - (xi) other matters prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries
- (2) A person who applies for registration or provisional registration with the Minister of Agriculture, Forestry and Fisheries must pay the amount of fee specified by Cabinet Order in consideration of the actual costs to examine the application.

(Registration)

- Article 7 (1) When an application for registration is filed pursuant to the provisions of paragraph (1) of the preceding Article, the Minister of Agriculture, Forestry and Fisheries must have the Food and Agricultural Materials Inspection Center (hereinafter referred to as the "Center"), or the prefectural governor must have the prefectural government employees examine the matters provided in the written application and the fertilizer sample, and then must register the fertilizer if the minister or governor confirmed that the fertilizer meets the official specifications and that the name of the fertilizer does not violate the provisions of Article 26, paragraph (2); provided, however, that this does not apply if, as a result of the examination, it is found that fertilizer prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in item (vi) of the preceding Article, is harmful to plants when it is used on plants by using a standard use method, or if it is found that an agricultural product that may cause harm to humans or animals when it is used on the agriculture product according to the list of applicable plants and the method provided in the written application.
- (2) Examination items, examination methods, and other matters necessary for the implementation of the examination referred to in the preceding paragraph are prescribed by an Order of the Ministry of Agriculture, Forestry and

Fisheries.

- (3) The Minister of Agriculture, Forestry and Fisheries must consult the Minister of Health, Labour and Welfare and the Minister of Environment when the Minister of Agriculture, Forestry and Fisheries intends to register a specified ordinary fertilizer pursuant to the provisions of paragraph (1).

(Provisional Registration)

Article 8 (1) When an application for provisional registration is filed pursuant to the provisions of Article 6, paragraph (1), the Minister of Agriculture, Forestry and Fisheries must have the Center examine the matters provided in the written application and the fertilizer sample; provided, however, that the minister may reject the application without having the Center perform an examination if it is identical to the fertilizer (including cases where the names are different) for which the application was filed has been revoked the provisional registration pursuant to the provisions of paragraph (3) of the following Article.

- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the examination referred to in the preceding paragraph.
- (3) When, as a result of the examination pursuant to the provisions of paragraph (1), when the amount of the main components, the effectiveness, and the quality of the fertilizer are found to be equivalent to those of a fertilizer similar to that for which official specifications have been established, and the Minister of Agriculture, Forestry and Fisheries confirms that the name of the fertilizer does not violate the provisions of Article 26, paragraph (2), the minister must provisionally register the fertilizer; provided, however, that this does not apply if the fertilizer is found to be harmful to plants when it is used on the plants according to the use method provided in the written application, or if it is apparent that an agricultural product that may cause harm to humans and animals will be manufactured when a specified ordinary fertilizer is used on the agricultural product included in the list of applicable plants according to the method provided in the written application.
- (4) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the provisional registration of a specified ordinary fertilizer under the provisions of the preceding paragraph.

Article 9 (1) If the Minister of Agriculture, Forestry and Fisheries finds that the results of the plant growth test provided in a written application are trustworthy after having had the Center test the effectiveness of the provisionally registered fertilizer on plants, the minister must establish official specifications pursuant to the provisions of Article 3 without delay, and must register the fertilizer.

- (2) The provisions of Article 7, paragraph (2) apply mutatis mutandis to the fertilizer effectiveness test referred to in the preceding paragraph.
- (3) If the Minister of Agriculture, Forestry and Fisheries finds the results of the plant growth test provided in a written application are not trustworthy as a result of the testing referred to in paragraph (1), the Minister must revoke the provisional registration of the fertilizer, even if the provisional registration is currently valid.
- (4) A person who has had their provisional registration revoked pursuant to the provisions of the preceding paragraph must return the provisional registration certificate to the Minister of Agriculture, Forestry and Fisheries without delay.

(Registration Certificate and Provisional Registration Certificate)

Article 10 When the Minister of Agriculture, Forestry and Fisheries or a prefectural governor registers or provisionally registers a fertilizer, the minister or the governor must issue a registration certificate or provisional registration certificate providing the following matters to the registrant:

- (i) The registration number and registration date (or the provisional registration number and provisional registration date, if the application for provisional registration is filed);
- (ii) The registration expiration date or provisional registration expiration date;
- (iii) the name and the address of the applicant;
- (iv) the type and name of the fertilizer (or the name of the fertilizer, if an application for provisional registration is filed);
- (v) the guaranteed amount of components and other specifications;
- (vi) the list of applicable plants, if the application for registration certificate for the specified ordinary fertilizer is filed;
- (vii) the application method, if the application for registration certificate is filed for a specified ordinary fertilizer used on the agricultural product which is included in the list of applicable plants.

Article 11 A person whose fertilizer has been registered or provisionally registered must keep the registration certificate or provisional registration certificate in the principal office and a manufacturer must keep a copy of the certificate in the place of business where the fertilizer is manufactured.

(Valid Period of Registration and Provisional Registration)

Article 12 (1) The valid period of registration of a fertilizer is three years (or six years, in the case of an ordinary fertilizer whose type is specified by Order of the Ministry of Agriculture, Forestry and Fisheries) and the valid period of provisional registration of a fertilizer is one year.

(2) The valid period of registration of fertilizer referred to in the preceding

paragraph may be renewed by filing an application; provided, however, that this does not apply to an ordinary fertilizer that no longer meets the official specifications due to a change in the specifications or to an ordinary fertilizer for which official specifications of the relevant type of fertilizer do not exist due to the discontinuation of the official specifications.

- (3) The valid period of provisional registration referred to in paragraph (1) may be renewed by filing an application, only if the effectiveness of the fertilizer cannot be determined based on the fertilizer effectiveness test referred to in Article 9, paragraph (1) during the valid period of registration.
- (4) A person who intends to renew their registration or provisional registration must submit a written application providing the matters set forth in Article 6, paragraph (1), items (i) through (v) and item (xi), along with the registration certificate or provisional registration certificate, to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor according to the procedure specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (5) A person who intends to renew the registration or provisional registration with the Minister of Agriculture, Forestry and Fisheries must pay the amount of fee specified by Cabinet Order in consideration of the actual costs to examine the application.

(Obligation of Persons for Whom Fertilizers Have Been Registered or Provisionally Registered to Notify Changes)

Article 13 (1) If any of the following matters changes, the fertilizer registrant or provisional registrant must notify the Minister of Agriculture, Forestry and Fisheries or the prefectural governor of the matter that has changed and the date of the change according to the procedures prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries within two weeks of that date, and if the matter that has changed is the matter provided in the registration certificate or the provisional registration certificate, the person must apply for a revised registration or provisional registration certificate:

- (i) the name or address (or in the case of a corporation, the name, the name of the representative, or the location of principal place of business);
  - (ii) the name or location of the place of business where the fertilizer is manufactured, if the person is the manufacturer;
  - (iii) the location of the facility where the fertilizer is stored;
- (2) A person, who has succeeded the position of the registrant or provisional registrant by inheritance or in a corporate merger or bifurcation, must notify the Minister of Agriculture, Forestry and Fisheries or the prefectural governor to this effect in accordance with the procedures prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, within two weeks from that date, and apply for a revised registration certificate or provisional registration



certificate (a person who has succeeded a part of an ordinary fertilizer manufacturing or importing business due to a corporate bifurcation must apply for the issuance of a registration or provisional registration certificate).

- (3) A person, who has lost their registration certificate or provisional registration certificate or damaged/soiled it must notify the Minister of Agriculture, Forestry and Fisheries or the prefectural governor to this effect according to the procedures prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, and apply for its reissuance.
- (4) If a manufacturer or importer whose ordinary fertilizer has been registered or provisionally registered intends to change the name of their fertilizer, the manufacturer or importer must notify the Minister of Agriculture, Forestry and Fisheries or the prefectural governor to this effect according to the procedures prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries and apply for issuance of a revised registration certificate or provisional registration certificate.

(Filing Applications for Registration or Provisional Registration of Changes in the List of Applicable Plants)

- Article 13-2 (1) A person, for whom a specified ordinary fertilizer has been registered or provisionally registered, may file an application to register or provisionally register the change, if it is necessary to change the list of applicable plants or the application method related to the registration or provisional registration, by submitting an application setting forth the matters prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, the registration certificate or provisional registration certificate, and the specified ordinary fertilizer sample to the Minister of Agriculture, Forestry and Fisheries.
- (2) When the Minister of Agriculture, Forestry and Fisheries receives an application pursuant to the provisions of the preceding paragraph, the minister must have the Center examine the matters provided in the written application and the specified ordinary fertilizer sample, and if the specified ordinary fertilizer is to be used as a result of the examination on the applicable plants listed and according to the method set forth in the application, the minister must register or provisionally register the change without delay and issue a revised registration certificate or provisional registration certificate, unless it is apparent that an agricultural product that may cause harm to humans or animals could be manufactured.
  - (3) The provisions of Article 6, paragraph (2) apply mutatis mutandis to a person who applies for the registration or provisional registration of a change pursuant to the provisions of paragraph (1), and the provisions of Article 7, paragraph (2) apply mutatis mutandis to the examination referred to in the

preceding paragraph, and the provisions of Article 7, paragraph (3) apply mutatis mutandis to the registration or provisional registration of a change pursuant to the provisions of the preceding paragraph.

(Registration or Provisional Registration of Changes in Application Methods and Revocation of Registration or Provisional Registration by Virtue of the Authority)

- Article 13-3 (1) When a specified ordinary fertilizer currently registered or provisionally registered is used in accordance with the list of applicable plants and the application method related to the registration or provisional registration, and if an agricultural product that may cause harm to humans or animals could admittedly be manufactured, the Minister of Agriculture, Forestry and Fisheries may register or provisionally register a change in the use method related to the registration or provisional registration or may revoke the registration or provisional registration of the specific ordinary fertilizer, if it is necessary to prevent this situation from occurring.
- (2) The provisions of Article 7, paragraph (3) apply mutatis mutandis to the registration or provisional registration of a change or the revocation of registration or provisional registration pursuant to the provisions of the preceding paragraph.
- (3) When the Minister of Agriculture, Forestry and Fisheries registers or provisionally registers a change or revokes a registration or provisional registration pursuant to the provisions of paragraph (1), the Minister must notify the party, against which the action is taken, of the disposition and the reasons for it without delay, and if a change has been registered or provisionally registered the Minister must issue a registration certificate or provisional registration certificate providing the use method that has been changed.

(Expiration of Registration or Provisional Registration)

- Article 14 If the registration or provisional registration falls under any of the following items, it will be invalid:
- (i) if the corporation, whose fertilizer has been registered or provisionally registered, has been dissolved, and upon the liquidation process has been completed;
  - (ii) if the person, for whom a fertilizer has been registered or provisionally registered, discontinues the fertilizer manufacturing or importing business;
  - (iii) if a manufacturer registered by the prefectural governor relocates the place of business where the fertilizer is manufactured to another prefecture;
  - (iv) if the guaranteed amount of components of the fertilizer or any other specification provided in the registration certificate or provisional

- registration certificate has been changed;
- (v) when the fertilizer is newly classified as a specified ordinary fertilizer, due to the amendment to a Cabinet Order pursuant to the provisions of Article 4, paragraph (1), item (iv).

(Notification of Expiration of Registration or Provisional Registration)

Article 15 (1) When the valid period of registration or provisional registration has expired or a registration or provisional registration has become invalid pursuant to the provisions of the preceding Article (excluding item (v)), the registrant or provisional registrant (or the liquidator in a case referred to in item (i) of that Article) must send a notification to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor of the reason for the registration having become invalid and the date without delay, together with the registration certificate or provisional registration certificate.

(2) In the cases referred to in the following items, the person specified in the relevant item must return the registration certificate or provisional registration certificate (or if the person falls under item (i), the registration certificate or provisional registration certificate providing the application method before it has been changed) to the Minister of Agriculture, Forestry and Fisheries or a prefectural governor without delay:

- (i) if a change has been registered or provisionally registered pursuant to the provisions of Article 13-3, paragraph (1), the person for whom the change in the application method has been registered or provisionally registered;
- (ii) if the registration or provisional registration is revoked pursuant to the provisions of Article 13-3, paragraph (1), the person for whom the registration or provisional registration of revocation has been registered;
- (iii) if a registration or provisional registration expires pursuant to the provisions of item (v) of the preceding Article, the person for whom the registration or provisional registration of expiration has been registered.

(Public notice of a registration or provisional registration)

Article 16 (1) When the Minister of Agriculture, Forestry and Fisheries or a prefectural governor registers or provisionally registers a fertilizer, renews the valid period of registration or provisional registration, revokes the provisional registration pursuant to the provisions of Article 9, paragraph (3), revokes the registration or provisional registration pursuant to the provisions of Article 13-3, paragraph (1) or Article 31, paragraphs (1) through (3), or when the registration or provisional registration expires pursuant to the provisions of Article 14, the minister or governor must give a public notice of the following matters:

- (i) the registration number or provisional registration number;

- (ii) the type and name of the fertilizer (or the name of the fertilizer, in case of provisional registration);
  - (iii) the guaranteed amount of components and other specifications;
  - (iv) the list of applicable plants, in case of the specified ordinary fertilizer;
  - (v) the application method, in case of the specified ordinary fertilizer whose list of applicable plants includes the agricultural product;
  - (vi) the name and address of the manufacturer or importer.
- (2) When the Minister of Agriculture, Forestry and Fisheries or a prefectural governor receives notice of change in the name of a fertilizer referred to in item (ii) of the preceding paragraph or in the matters referred to in item (vi) of that paragraph pursuant to the provisions of Article 13, paragraph (1) or (4), the minister or the governor must give a public notice of the matters that have been changed.
- (3) When the Minister of Agriculture, Forestry and Fisheries registers or provisionally registers a change pursuant to the provisions of Article 13-2, paragraph (2) or Article 13-3, paragraph (1), the minister must publicize the matters that have been changed.
- (4) A prefectural governor must notify the Minister of Agriculture, Forestry and Fisheries and all other prefectural governors of the matters given a public notice of by the governor immediately.

(Notification by Manufacturer and Importer of Designated Mixed Fertilizers)

Article 16-2 (1) An importer of a designated mixed fertilizer and a manufacturer of a designated mixed fertilizer made by blending one or more types of ordinary fertilizers referred to in Article 4, paragraph (1), item (i) through (iii) as the raw material must notify the Minister of Agriculture, Forestry and Fisheries, and other manufacturers of the fertilizer must notify the prefectural governor who has jurisdiction over the location of the place of business where the designated mixed fertilizer is manufactured of the following matters at least a week before the manufacturer or importer of the designated mixed fertilizers start their business:

- (i) the name and address of the person (or in the case of a corporation, its name, the name of its representative, and the location of principal place of business);
  - (ii) the name of the fertilizer;
  - (iii) categories of ordinary fertilizers listed in Article 4, paragraph (2), items (ii) through (iv);
  - (iv) the name and location of the place of business where the fertilizer is manufactured, if the person is a manufacturer;
  - (v) the location of the facility where the fertilizer is stored.
- (2) If the agricultural cooperative and the like are the manufacturers of a

designated mixed fertilizer (excluding those listed in item (iii) of the same paragraph that are blended with general-purpose fertilizers as raw materials) made by blending one or more types of ordinary fertilizers referred to in Article 4, paragraph (1), item (i) or (ii) as the raw material, the manufacturers must notify the prefectural governor who has jurisdiction over the location of the place of business where the fertilizer is manufactured, of the matters set forth in the respective items of that paragraph, notwithstanding the provisions of the preceding paragraph.

- (3) If any of the matters to be notified referred to in paragraph (1) has changed, the manufacturer or importer of the designated mixed fertilizer must notify the Minister of Agriculture, Forestry and Fisheries or the prefectural governor to this effect within two weeks of the change occurring. The same holds true for discontinuance of business.

(Product Guarantee Label by Manufacturers and Product Guarantee Label by Importers)

Article 17 (1) When a manufacturer or importer manufactures or imports an ordinary fertilizer, a product guarantee label by manufacturer or a product guarantee label by importer including the following matters must be affixed on the container or package of the fertilizer (or affixed to each fertilizer to be shipped or a fertilizer in bulk or in bags, if a container or package of fertilizer is not used, the same applies hereinafter) without delay, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries. The same applies if the product guarantee label has been lost or the matters included in the guarantee are totally illegible during the time when the fertilizer is being possessed or managed by the manufacturer or importer themselves; provided, however, that this does not apply if the importer imports an ordinary fertilizer which has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1):

- (i) the characters "product guarantee label by manufacturer" or "product guarantee label by importer";
- (ii) the type and name of the fertilizer (or the name of the fertilizer, in the case of provisional registration or the designated mixed fertilizer);
- (iii) the guaranteed amount of components (or the amount of main components by type specified by the Minister of Agriculture, Forestry and Fisheries, in the case of an ordinary fertilizer set forth in Article 4, paragraph (1), items (iii) and (v) and paragraph (2), items (iii) and (iv) of the same Article);
- (iv) the name and address of the manufacturer or importer;
- (v) the year and month of manufacture or import;
- (vi) the name and location of the place of business where the fertilizer was manufactured, in the case of a manufacturer;

- (vii) the net weight;
  - (viii) the registration number or provisional registration number, if the fertilizer is not a designated mixed fertilizer;
  - (ix) the list of applicable plants and application method for which the fertilizer has been registered or provisionally registered, if the certificate is for a specified ordinary fertilizer;
  - (x) if a foreign substance was mixed into the fertilizer pursuant to the provisions of the proviso to Article 25 (limited to the cases pursuant to item (i) of the same paragraph), the name of the foreign substance and the mixing ratio;
  - (xi) in the case of the fertilizer that has been provisionally registered or the designated mixed fertilizer, a statement to that effect;
  - (xii) in the case of an ordinary fertilizer listed in Article 4, paragraph (2), item (iii), the type and proportion of the an ordinary fertilizer (limited to those listed in paragraph (1), item (iii) of the same Article) or the type and blended ratio of special fertilizers;
  - (xiii) in the case of an ordinary fertilizer listed in Article 4, paragraph (2), item (iv), the type and mixing ratio of the ordinary fertilizer (limited to those listed in paragraph (1), item (iii) of the same Article) or the type and mixing ratio of the special fertilizers, and the type and mixing ratio of the designated soil improvement materials mixed in the fertilizer;
  - (xiv) other matters prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) An importer of an ordinary fertilizer which has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1), a product guarantee label by importer including the following matters must be affixed on the container or package of the fertilizer without delay, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries, if the importer opens or changes the container or package of the fertilizer or puts a fertilizer without a container or package into a container or package. The same applies if an importer imports a fertilizer on which a product guarantee label by manufacturer is not affixed or the fertilizer whose matters included in the guarantee are illegible, or if the product guarantee label by manufacture has been lost or the matters included in the guarantee are illegible during the time when the imported fertilizer is being possessed or managed by the importer themselves:
- (i) the characters "product guarantee label by importer";
  - (ii) the name and address of the importer;
  - (iii) the year and month of import;
  - (iv) the matters set forth in items (ii) and (iii), items (vii) through (x) and item (xiv) of the preceding Article;

- (v) the name and address of the manufacturer;
  - (vi) the year and month of manufacture;
  - (vii) the name and location of the place of business where the fertilizer was manufactured;
  - (viii) a statement that the fertilizer is an ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1).
- (3) The matters referred to in items (v) through (vii) of the preceding paragraph and other matters prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries need not be provided in a product guarantee label by importer referred to in that paragraph, if the importer referred to in that paragraph does not know the matters.

(Product Guarantee Label by Vendor)

- Article 18 (1) If a vendor opens or changes the container or package of an ordinary fertilizer or puts an ordinary fertilizer without a container or packaging into a container or package, the vendor must apply a product guarantee label by vendor including the following matters, on the container or package of the fertilizer without delay, as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries. The same applies if the vendor receives an ordinary fertilizer on which a product guarantee label by manufacturer, a product guarantee label by importer, or a product guarantee label by vendor (hereinafter referred to as a "product guarantee label") is not affixed or if the matters included in the product guarantee label are illegible, or if a product guarantee label has been lost or the matters included in the product guarantee label are illegible during the time when the ordinary fertilizer is being possessed or managed by the vendor themselves.
- (i) the characters "product guarantee label by vendor";
  - (ii) the name and address of the vendor;
  - (iii) the matters set forth in items (ii) and (iii), items (v) through (vii) and items (ix) thorough (xiv) of the preceding Article;
  - (iv) the year and month in which the product guarantee label by vendor is affixed;
  - (v) the name and address of the manufacturer or importer (or the person who manufactured the fertilizer, in the case of an ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1));
  - (vi) in case of an ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1), a statement to that effect.
- (2) The matters referred to in paragraph (1), items (v) and (vi) of the preceding

Article and in item (v) of the preceding paragraph and other matters prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries need not be provided in a product guarantee label by vendor referred to in that paragraph, if the vendor does not know the matters.

(Restriction or Prohibition on Transferring Fertilizers to Others)

Article 19 (1) No manufacturer, importer, or vendor may transfer an ordinary fertilizer (except for a designated mixed fertilizer) to others unless the ordinary fertilizer has been registered or provisionally registered and a product guarantee label is affixed to it, nor may a manufacturer, importer, or vendor transfer a designated mixed fertilizer unless a product guarantee label is affixed to it.

(2) Notwithstanding the provisions of the preceding paragraph, a manufacturer, importer, or vendor may transfer an ordinary fertilizer to others if the manufacturer, importer, or vendor has obtain the permission from the Minister of Agriculture, Forestry and Fisheries or the prefectural governor, pursuant to the provisions of an order, if the fertilizer no longer meets the specifications provided in the registration certificate or provisional registration certificate due to a natural disaster, and if a compelling reason specified by Order of the Ministry of Agriculture, Forestry and Fisheries has occurred.

(3) If a change in the application method related to registration or provisional registration or the registration or provisional registration has been revoked pursuant to the provisions of Article 13-3, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33-2, paragraph (6)) or in any other case, if it is necessary to prevent a situation in which an agricultural product that may cause harm to humans or animals could be manufactured by applying the specified ordinary fertilizer to it, the Minister of Agriculture, Forestry and Fisheries may inform a manufacturer, importer, or vendor that they are not allowed to transfer or deliver a specified ordinary fertilizer unless the details of the product guarantee label are changed, and the minister may restrict the manufacturer, importer or vendor from transferring or delivering the fertilizer, or prohibit them from transferring or delivering the fertilizer.

(Restriction on Matters Provided in Product Guarantee Label)

Article 20 A product guarantee label must not include matters other than those set forth in the items of Article 17, paragraph (1) or (2) or the items of Article 18, paragraph (1), and a trademark and a trade name must not include matters other than the shipping number and shipping date, and must not include any false information.

(Labeling Standards for Ordinary Fertilizer)



Article 21 (1) When the Minister of Agriculture, Forestry and Fisheries recognizes that consumers need to be careful in use or storage of an ordinary fertilizer, or that it is extremely difficult for consumers to clearly identify the quality or effect when purchasing, and it is particularly necessary to clearly identify the quality or effect of a substance in its application, the following labeling standards are to be established and announced.

(i) matters to be indicated as precautions for use or storage, or matters such as usage ratio of raw materials or others to be indicated to clarify the quality or effects thereof;

(ii) the method of labeling and other matters to be complied with by manufacturers, importers or vendors when labeling the matters listed in the preceding item.

(2) A prefectural governor may propose to the Minister of Agriculture, Forestry and Fisheries that the labeling standards set forth in the preceding paragraph should be established for ordinary fertilizer or designated mixed fertilizer, registered or notified by the governor.ordinary fertilizer

(Restriction on Fertilizer Use)

Article 21-2 A person using a fertilizer may not use any specified ordinary fertilizer unless a product guarantee label is affixed to it (except a specified ordinary fertilizer of which transfer or delivery is prohibited pursuant to the provisions of Article 19, paragraph (3)); provided, however, that this does not apply if the specified ordinary fertilizer is used for testing and research purposes and in other cases prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Restrictions on Use of Specified Ordinary Fertilizer)

Article 21-3 (1) When the specified ordinary fertilizer is established pursuant to the provisions of Article 4, paragraph (1), item (iv), the Ministry of Agriculture, Forestry and Fisheries must specify the time to use, method to use the specified ordinary fertilizer and establish the standards for each type of specified ordinary fertilizer, by issuing Order of the Ministry of Agriculture, Forestry and Fisheries, which must be complied with by the person who applies the specified ordinary fertilizer.

(2) The Minister of Agriculture, Forestry and Fisheries may change the standards referred to in the preceding paragraph if the minister finds it necessary.

(3) A specified ordinary fertilizer must not be used in violation of the standards referred to in paragraph (1) (or if the standards have been changed pursuant to the provisions of the preceding paragraph, the revised standards).

(4) If the Minister of Agriculture, Forestry and Fisheries intends to enact, amend,

or repeal the Order of the Ministry of Agriculture, Forestry and Fisheries referred to in paragraph (1), the minister must hear the opinions of the Minister of Health, Labour and Welfare and the Minister of the Environment before doing so.

(Notification by Manufacturer or Importer of Special fertilizers)

Article 22 (1) A manufacturer or importer of a special fertilizer must notify the prefectural governor who has jurisdiction over the location of the place of business where the fertilizer is manufactured or the place where it is imported of the following matters by a week prior to the start of business:

- (i) the person's name and address (or for a corporation, the name, the name of the representative, and the location of principal place of business);
- (ii) the name and type of the fertilizer;
- (iii) the name and location of the place of business where the fertilizer is manufactured, in case of a manufacturer;
- (iv) the location of the facility where the fertilizer is stored.

(2) When any of the matters to be notified referred to in the preceding paragraph has changed, the manufacturer or importer of the special fertilizer must notify the relevant prefectural governor of this no later than two weeks from the date on which the change occurred. The same applies when the manufacturer or importer discontinues the business.

(Labeling Standards for Special fertilizers)

Article 22-2 (1) The Minister of Agriculture, Forestry and Fisheries is to prescribe the matters of labeling standards that include the following items, regarding special fertilizer prescribed by Cabinet Order as those for which proper labeling of fertilizer needs to be enforced, due to the fact that the customer requires caution in use or storage, or it is very difficult for consumers to discern the quality when purchasing the special fertilizer and it is particularly necessary for the consumers to discern the quality for the purpose of fertilizer use, and is to issue public notice of matters concerning the labeling standards:

- (i) the matters to be labeled as precautions for use or storage, or the amount of the main components, raw materials, and other matters concerning the quality that must be indicated;
- (ii) the method of labeling and other matters which must be complied with by a manufacturer, importer, or vendor when indicating the matters set forth in the preceding item.

(2) A prefectural governor may suggest that the Minister of Agriculture, Forestry and Fisheries should prescribe the labeling standard referred to in the preceding paragraph, by providing the types of special fertilizers.

(Instructions)

- Article 22-3 (1) If any of the manufacturers, importers, or vendors does not indicate the matters set forth in Article 21, paragraph (1), item (i) or paragraph (1), item (i) of the preceding Article which was publicized pursuant to the provisions of that paragraph (hereinafter referred to collectively as the "matters to be indicated") or does not comply with the requirements referred to in item (ii) of the particulars listed in Article 21, paragraph (1), item (ii) or paragraph (1), item (ii) of the preceding Article that have been publicized pursuant to the provisions of that paragraph (hereinafter referred to collectively as the "matters to be followed"), the Minister of Agriculture, Forestry and Fisheries may provide the details of requirements to the manufacturer, importer, or vendor, or provide instructions for them to comply with the requirements to be followed.
- (2) If any of the manufacturer, importer, or vendor does not comply with the instructions referred to in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries publicize the fact.
- (3) In the event that the person who received the instructions in paragraph (1) fails to follow the instructions, when the matters to be indicated or matters to be followed related to the instruction falls under particulars prescribed by the Minister of Agriculture, Forestry and Fisheries as proper is necessary in order to contribute to the benefit of consumers, the Minister of Agriculture, Forestry and Fisheries may order the person to take measures related to the instruction.
- (4) If those who have received orders under the provisions of the preceding paragraph (limited to vendors, manufacturers of ordinary fertilizers registered by prefectural governors or designated mixed fertilizers pertaining to such notifications, or manufacturers or importers of special fertilizers) did not comply with the orders the Minister of Agriculture, Forestry and Fisheries must notify the prefectural governor having jurisdiction over the location of the place of business where the subject fertilizer is sold or manufactured or the place of import, to that effect.

(Notification of Sale of Fertilizers)

- Article 23 (1) A manufacturer, importer, or vendor must notify the prefectural governor who has jurisdiction over the location of its place of business of the following matters for each place of business that sells fertilizer, no later than two weeks from the date on which the place of business started to sell fertilizer:
- (i) the name and address of the manufacturer, importer or vendor (or in case of a corporation, its name, the name of its representative, and the location of principal place of business);
- (ii) the location of the place of business that sells fertilizer;

- (iii) the location of storage facility that is located in the prefectural area.
- (2) If any of the matters to be notified referred to in the preceding paragraph has changed, the manufacturer, importer, or vendor must notify the relevant prefectural governor of this within two weeks from the date on which the change has occurred. The same applies if the manufacturer, importer, or vendor discontinues the sale of fertilizer.

(Prohibition of Unauthorized Use of Product Guarantee Label)

- Article 24 (1) It is prohibited for any person to counterfeit, alter, or improperly use a product guarantee label, or to affix a forged or altered product guarantee label or any thing similar to a product guarantee label which is likely to mislead consumer, to a fertilizer sold by the person or to its container or package.
- (2) It is prohibited for any person to use a container or package labeled with the name, trademark, or trade name of any other manufacturer, importer, or vendor, or labeled with the name or components of any other fertilizer, as the container or package of a fertilizer sold by the person, unless the indications are erased.

(Prohibition of Mixing Foreign Substance into Fertilizer)

- Article 25 A manufacturer, importer, or vendor must not mix any foreign substance into a fertilizer manufactured, imported, or sold by them, so that the quality of the fertilizer is compromised; provided, however, that this does not apply in the following cases.
- (i) when a manufacturer of ordinary fertilizers of a type specified by a Cabinet Order mixes agricultural chemicals or other substances specified by official specifications with the ordinary fertilizers as specified by official specifications; and
- (ii) when a manufacturer of ordinary fertilizers listed in Article 4, paragraph (2), item (iv) blends designated soil improvement materials in the production of the ordinary fertilizers.

(Prohibition of False Advertising)

- Article 26 (1) A manufacturer, importer, or vendor must not falsely advertise the main components, its amount, the effectiveness, raw materials or the method of manufacturing of the fertilizer manufactured, imported, or sold by them.
- (2) A manufacturer, importer, or vendor must not use a name that is likely to mislead consumer about the components, its amount, the effectiveness, raw materials or the method of manufacturing of a fertilizer manufactured, imported, or sold by them.

(Maintenance of Books of Accounts)

- Article 27 (1) The manufacturer or importer of a fertilizer must maintain the books of accounts at each place of business that manufactures or import operation, and must include the name, quantity and row materials and others of fertilizer in the books of accounts, when it is manufactured or imported, pursuant to the Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) The manufacturer, importer, or vendor of a fertilizer must maintain the books of accounts at each place of business at which the fertilizer is manufactured, imported, or sold, and the name and quantity of the fertilizer, the date, and the name of the other party must be entered in the books of accounts each time the manufacturer, importer or vendor purchases or sells the fertilizer to any other manufacturer, importer, or vendor pursuant to the Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) The books of accounts referred to in the preceding two paragraphs must be preserved for two years.

Article 28 Deleted

(Collection of Reports)

- Article 29 (1) The Minister of Agriculture, Forestry and Fisheries or a prefectural governor, to the extent necessary to enforce this Act, may collect a report on the business or the use of fertilizers from a manufacturer, importer, transport service provider, package and cargo forwarding agent, or warehousing service providers of fertilizers, or from a person who applies the fertilizer.
- (2) The Minister of Agriculture, Forestry and Fisheries may collect a report on the business from a vendor to the extent necessary to enforce the provisions of Article 19, paragraph (3), Article 22-3 and Article 31, paragraph (4) or Article 31-2.
- (3) A prefectural governor may collect a report on the business from a vendor to the extent necessary to enforce this Act.
- (4) When the prefectural governor collects a report under the provisions of paragraph (1) or the preceding paragraph and it is apparent that a manufacturer, importer, or vendor fails to indicate the matters to be indicated or fails to comply with the requirements to be followed, or that a manufacturer, importer, or vendor has transferred or delivered the fertilizers in violation of the provisions of Article 19, paragraph (1) or (3) or Article 31, paragraph (4), the prefectural governor must report this to the Minister of Agriculture, Forestry and Fisheries.

(On-site Inspections)

- Article 30 (1) If the Minister of Agriculture, Forestry and Fisheries or a prefectural governor, to the extent necessary to enforce this Act, may have the Ministry employees enter the place of work, warehouse, vehicle, farm, or any other place related to the service to store the fertilizer or where the fertilizer is used, of the manufacturer, importer, transport service provider, forwarding agent, or warehousing service provider, or a person who applies the fertilizer, and have them inspect the fertilizer, its raw materials, or books of accounts and documents and other necessary items related to the conditions of business or the use of the fertilizer, or question the associated persons, or may have the government employees take a sample of the fertilizer or its raw materials without any charge, but only the minimum amount needed for an analysis.
- (2) The Minister of Agriculture, Forestry and Fisheries may have the Ministry employees enter a place of work, warehouse, or any other place of the vendor, inspect the books of accounts and documents related to the fertilizer or the business (including electronic or magnetic records (meaning records used in computer data processing which are prepared in an electronic form, magnetic form, or any other form that cannot be perceived by human senses) if electronic or magnetic records have been prepared, maintained, and preserved instead of books of accounts and documents; the same applies in Article 33-3, paragraphs (1) and (2) and Article 33-5, paragraph (1), item (vi) of the following paragraph), or question the associated persons, to the extent necessary to enforce the provisions of Article 19, paragraph (3), Article 22-3, Article 31, paragraph (4) or Article 31-2.
- (3) A prefectural governor, to the extent necessary to enforce this Act, may have the prefectural government employees enter a place of work, warehouse of the vendor, or any other place related to the sale of the fertilizer, inspect the books of accounts and documents related to the fertilizer or the business, or question the associated persons, and may have the prefectural government employees take a sample of the fertilizer without charge, but only the minimum amount needed for an analysis.
- (4) If an on-site inspection or questioning has been carried out pursuant to the provisions of paragraph (1) or the preceding paragraph, and it is apparent that a manufacturer, importer, or vendor fails to indicate the matters to be indicated or fails to comply with the matters to be followed, or that a manufacturer, importer, or vendor transfers or delivers fertilizers in violation of the provisions of Article 19, paragraph (1) or (3) or Article 31, paragraph (4), the relevant prefectural governor must report this to the Minister of Agriculture, Forestry and Fisheries.
- (5) The authority for on-site inspections, questioning, and sample taking under the provisions of paragraphs (1) through (3) may not be interpreted as having been granted for the purpose of criminal investigation.

- (6) In the cases referred to in paragraphs (1) through (3), the employees of the Ministry of Agriculture, Forestry and Fisheries or the prefectural government who perform the official duties must carry an self-identification card on them and present it when requested to do so by the associated persons.
- (7) If the Minister of Agriculture, Forestry and Fisheries or a prefectural governor has had their employees taken a sample of fertilizer or its raw materials pursuant to the provisions of paragraph (1) or (3), a summary of the analysis results of the fertilizer or raw materials are to be made public in a newspaper or by other means.

(On-site inspections by the Center)

- Article 30-2 (1) If the Minister of Agriculture, Forestry and Fisheries finds it necessary in a case referred to in paragraph (1) or (2) of the preceding Article, the minister may have the Center enter the place of business, warehouse, vehicle, farm, or any other place related to the manufacture, import or sale of a fertilizer or places related to the service to store the fertilizer or where the fertilizer is used, of the person or a vendor specified in paragraph (1) of that Article, and have the Center analyze the fertilizer, its raw materials, or inspect the books of accounts and documents and other necessary items related to the conditions of business and the use of the fertilizer, or question the associated persons, or may have the Center take a sample of a fertilizer or its raw materials without charge, but only the minimum amount needed for analysis.
- (2) If the Minister of Agriculture, Forestry and Fisheries has the Center carry out an on-site inspection, questioning, or taking a sample of a fertilizer (hereinafter referred to as "on-site inspection, etc.") pursuant to the provisions of the preceding paragraph, the minister is to provide the date, place, and other necessary matters regarding the on-site inspection, etc. and give instruction to the Center to implement the on-site inspection.
- (3) When the Center carries out an on-site inspection, etc. referred to in paragraph (1) in accordance with the instructions referred to in the preceding paragraph, the Center must report the results to the Minister of Agriculture, Forestry and Fisheries as provided for by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (4) The provisions of paragraphs (5) and (6) of the preceding Article apply mutatis mutandis to an on-site inspection, etc. under the provisions of paragraph (1), and the provisions of paragraph (7) of that Article apply mutatis mutandis to taking a sample of a fertilizer under the provisions of paragraph (1).

(Administrative Dispositions)

- Article 31 (1) If the manufacturer or importer violates the provisions of this Act

or an order under this Act, except in following cases, the Minister of Agriculture, Forestry and Fisheries may restrict or prohibit the person from transferring or delivering the fertilizer related to the violation, or revoke the registration or provisional registration of the fertilizer.

- (2) If a vendor related to the notification, the manufacture of an ordinary fertilizer registered or a designated mixed fertilizer related to the notification, or the manufacturer or importer of a special fertilizer related to the notification, violates the provisions of this Act or an order under this Act, the prefectural governor may restrict or prohibit the person from transferring or delivering the fertilizer, or may revoke the registration of the fertilizer.
- (3) If it is apparent that a registered or provisionally-registered ordinary fertilizer, a designated mixed fertilizer, or a special fertilizer cause harm to plants when used according to the normal use method, the Minister of Agriculture, Forestry and Fisheries may, with respect to the fertilizer, restrict or prohibit the manufacturer or importer of an ordinary fertilizer which is registered or provisionally registered or designated mixed fertilizer related to the notification from transferring or delivering the fertilizer or may revoke the registered or provisional registered fertilizer, and the prefectural governor may restrict or prohibit the manufacturer, importer, or vendor specified in the preceding paragraph from transferring or delivering or may revoke the registration or provisional registration, if it is necessary to prevent the harm from occurring.
- (4) If the quality of a fertilizer proved to be poor as a result of the analysis conducted by the Center according to the inspection method specified by the Minister of Agriculture, Forestry and Fisheries, the Minister may restrict or prohibit the transfer, delivery or use of the fertilizer, if it is necessary to prevent such a situation from occurring.
- (5) If a vendor is selling a fertilizer that is apparently harmful to plants because a foreign substance was mixed into it in violation of the provisions of Article 25 or is selling a fertilizer that is apparently harmful to plants when used according to the normal use method, the Minister of Agriculture, Forestry and Fisheries may give instructions to the prefectural governor who has jurisdiction over the place of business that the governor should implement a disposition against the vendor under the provisions of paragraphs (2) and (3), if it is necessary to prevent the wide spread of the harm.
- (6) A person whose registered or provisionally registered fertilizer has been revoked pursuant to the provisions of paragraphs (1) through (3) must return the registration certificate or provisional registration certificate to the Minister of Agriculture, Forestry and Fisheries or to the prefectural governor without delay.
- (7) If a disposition referred to in paragraphs (1) through (4) is implemented



(excluding the revocation of a registration or provisional registration), the Minister of Agriculture, Forestry and Fisheries must promptly notify all prefectural governors of this, if it is implemented by the minister, and the governor must promptly notify the Minister of Agriculture, Forestry and Fisheries and all other prefectural governors of this, if it is implemented by the governor.

(Order to Recall Fertilizer)

Article 31-2 If a manufacturer, importer, or vendor transfers or delivers a fertilizer in violation of the provisions of Article 19, paragraph (1) or (3) or paragraph (4) of the preceding Article, and it is necessary to prevent the situation in which an agricultural product could be manufactured that may cause harm to humans or animals due to the fertilizer use, the Minister of Agriculture, Forestry and Fisheries may order the person to recall the fertilizer and to take any other necessary measures.

(Restrictions on Registration and Provisional Registration)

Article 32 A person whose registered or provisionally registered fertilizer has been revoked pursuant to the provisions of Article 31, paragraphs (1) through (3) may not apply for registration or provisional registration of the ordinary fertilizer or identicals (including the cases where those names are different) for the second time during the one-year period after the revocation date.

(Special Provisions for Hearings)

Article 33 (1) If the Minister of Agriculture, Forestry and Fisheries or a prefectural governor intends to register or provisionally register a change pursuant to the provisions of Article 13-3, paragraph (1), to restrict or prohibit the transfer or delivery of a fertilizer pursuant to the provisions of Article 31, paragraph (3), or to implement a disposition so that the minister or prefectural governor may restrict or prohibit the transfer, delivery, or use of a fertilizer under the provisions of Article 31, paragraph (4), the minister or prefectural governor must conduct a hearing, regardless of the categories of procedures for statement of opinions under the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(2) The proceedings on the hearing date for the revocation of registration or provisional registration under the provisions of Article 9, paragraph (3), Article 13-3, paragraph (1) or the provisions of Article 31, paragraphs (1) through (3), for registration or provisional registration of a change under the provisions of Article 13-3, paragraph (1), for the restriction or prohibition of the transfer or delivery of a fertilizer under the provisions of Article 31, paragraph (3), or for a disposition implemented to restrict or prohibit the transfer, delivery, or use of

a fertilizer under the provisions of paragraph (4) of that Article must be open to the public.

(Registration and Provisional Registration of Fertilizers Manufactured Overseas)

- Article 33-2 (1) A person who, in the course of trade, manufactures an ordinary fertilizer in a foreign country to be exported to Japan (excluding a designated mixed fertilizer) may have each ordinary fertilizer brand registered by the Minister of Agriculture, Forestry and Fisheries, for which official specifications have been established or may have each ordinary fertilizer brand, for which official specifications have not been established, provisionally registered by the Minister of Agriculture, Forestry and Fisheries.
- (2) A person who intends to register or provisionally register a fertilizer pursuant to the provisions of the preceding paragraph, when applying for the registration or provisional registration, must appoint a person who takes necessary measures to prevent the distribution of poor-quality fertilizers in Japan, from among persons whose address is registered in Japan (including the representative of the office of a foreign corporation having the office in Japan).
- (3) If the person whose fertilizer has been registered or provisionally registered pursuant to the provisions of paragraph (1) (hereinafter referred to as a "registered foreign manufacturer") changes the person appointed pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "domestic administrator"), or the name or address of the domestic administrator has changed, a person must notify the Minister of Agriculture, Forestry and Fisheries of this in accordance with the procedures prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries within thirty days from the relevant date.
- (4) A registered foreign manufacturer must maintain the books of accounts at each place of business that manufactures or sells fertilizer, and must enter the name and quantity of ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of paragraph (1), pursuant to the Order of the Ministry of Agriculture, Forestry and Fisheries, they manufacture the ordinary fertilizer to export from their country to Japan, and must enter the name, quantity, raw materials and others of the fertilizer prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, the date, and the name of the other party therein each time they sell the fertilizer, and must inform the domestic administrator of the matters entered in the books of accounts which must be preserved for two years.
- (5) A domestic administrator must maintain the books of accounts at their domicile or principal office, and make entry in the books the matters informed of pursuant to the provisions of the preceding paragraph, and preserve the

books for two years.

- (6) The provisions of Articles 6 through 8, Article 9, paragraphs (1) through (3), Article 10, Article 12, Article 14 (excluding item (iii)), and Article 16, paragraphs (1) through (3) apply mutatis mutandis to registration or provisional registration under the provisions of paragraph (1); the provisions of Article 9, paragraph (4), Articles 11, 13, 13-2, and 15, the main clause of Article 17, paragraph (1) (excluding item (xii) and (xiii)), Article 20, Article 21, paragraph (1), Article 22-3, paragraphs (1) through (3) and Article 25 (excluding item (ii)) apply mutatis mutandis to a registered foreign manufacturer; the provisions of Article 13-3 apply mutatis mutandis to specified ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of paragraph (1); the provisions of Article 26 apply mutatis mutandis to a registered foreign manufacturer and their domestic administrator; and the provisions of Article 29, paragraph (1) apply mutatis mutandis to a domestic administrator. In this case, the phrase the "Minister of Agriculture, Forestry and Fisheries or a prefectural governor" in these provisions is to be deemed replaced with the "Minister of Agriculture, Forestry and Fisheries"; the phrase the "name and address" in Article 6, paragraph (1), item (i) is to be deemed replaced with the "name and address of the person intending to file an use for registration or provisional registration under the provisions of Article 33-2, paragraph (1) and the name and address of the person appointed by the person pursuant to the provisions of paragraph (2) of that Article"; the phrase a "manufacturer that manufactures" in item (iv) of that paragraph is to be deemed replaced with "that manufactures"; the phrase a " copy thereof in case of a manufacturer" in Article 11 is to be deemed replaced with "a copy thereof"; the phrase "two weeks" in Article 13, paragraph (1) is to be deemed replaced with "thirty days"; the phrase a "manufacturer that manufactures" in item (ii) of that paragraph is to be deemed replaced with "that manufactures"; the phrase "two weeks" in paragraph (2) of that Article is to be deemed replaced with "thirty days"; the phrase "manufacturer or import" in Article 14, item (ii) is to be deemed replaced with "manufacture"; the phrase "Article 31, paragraphs (1) through (3)" in Article 16, paragraph (1) is to be deemed replaced with "Article 33-5, paragraph (1)"; the phrase a "manufacturer or importer" in item (vi) of that paragraph is to be deemed replaced with "person whose fertilizer has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1) and the person appointed by the person pursuant to the provisions of that Article, paragraph (2)"; the phrase "Article 13, paragraph (1) or (4)" in paragraph (2) of that Article is to be deemed replaced with "Article 13, paragraph (1) or (4) or Article 33-2, paragraph (3)"; the phrases "has manufactured or imported an ordinary fertilizer" in Article 17, paragraph (1) is to be deemed replaced with

"has manufactured an ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1) to be exported from their country to Japan" and a "product guarantee label by manufacturer or a product guarantee label by importer," is to be deemed replaced with a "product guarantee label by manufacturer" respectively; the phrase "manufactured or imported" in item (v) of that paragraph is to be deemed replaced with "manufactured"; the phrase a "manufacturer that manufactured" in item (vi) of that paragraph is to be deemed replaced with "has manufactured"; the phrase a "statement indicating that it is a provisionally registered fertilizer or a designated mixed fertilizer" in item (xi) of that paragraph is to be deemed replaced with a "statement indicating that it is an ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1)"; the phrases the "items of Article 17, paragraph (1) or (2) or the items of Article 18, paragraph (1)" in Article 20 is to be deemed replaced with the "items of Article 17, paragraph (1)"; the phrase "may order" in Article 22-3, paragraph (3) is to be deemed replaced with "may request"; and the phrase a "fertilizer manufactured, imported, or sold by" in Articles 25 and 26 is to be deemed replaced with a "ordinary fertilizer that has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1) and that is to be exported from their country to Japan."

(On-site Inspections of Places Related to Domestic Administrators)

- Article 33-3 (1) The Minister of Agriculture, Forestry and Fisheries, to the extent necessary to enforce this Act, may have the Ministry employees enter a domestic administrator's office or any other place related to the business, inspect the books of accounts and documents related to the business, and question the associated persons.
- (2) If the Minister of Agriculture, Forestry and Fisheries finds it necessary in the case referred to in the preceding paragraph, the minister may have the Center enter a domestic administrator's office or any other place related to the business, inspect the books of accounts and documents related to the business, and question the associated persons.
- (3) The provisions of Article 30, paragraphs (5) and (6) apply mutatis mutandis to an on-site inspection or questioning pursuant to the provisions of paragraph (1), and the provisions of Article 30-2, paragraphs (2) through (4) apply mutatis mutandis to an on-site inspection or questioning pursuant to the provisions of paragraph (2) respectively.

(Import of Fertilizer Manufactured Overseas to Japan)

- Article 33-4 (1) The importer of an ordinary fertilizer that has been registered or

provisionally registered pursuant to the provisions of Article 33-2, paragraph (1) must notify the Minister of Agriculture, Forestry and Fisheries of the following matters at least a week before they start the business; provided, however, that this does not apply if the importer is the registered foreign manufacturer or the domestic administrator of the fertilizer.

- (i) the name and address of the importer (or in case of a corporation, its name, the name of its representative, and the location of principal place of business);
  - (ii) the registration number or provisional registration number of the fertilizer imported by the importer;
  - (iii) the location of the facility where the fertilizer is stored.
- (2) If any of the matters to be notified referred to in the preceding paragraph has changed, the importer who submitted the notification pursuant to the provisions of the preceding paragraph must notify the Minister of Agriculture, Forestry and Fisheries of this. The same applies when the importer discontinues the business.
- (3) An importer must not transfer any imported fertilizer to which a product guarantee label which is unjustly used, forged, or altered, or anything that is likely to mislead consumers is affixed to any other person (including the fertilizer, if any of these are affixed to its container or package).
- (4) An importer must not transfer an imported fertilizer whose container or package indicating the name, trademark, or trade name, or the components of the imported fertilizer manufactured by another person to any other person, without erasing the information on the label.

#### (Revocation of Registration of Fertilizer Manufactured Overseas)

Article 33-5 (1) If a registered foreign manufacturer falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries may revoke the registration or provisional registration:

- (i) if the registered foreign manufacturer transfers an ordinary fertilizer (limited to a fertilizer that is exported from their country to Japan) that has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1), to which a product guarantee label by manufacturer is not affixed;
- (ii) if the registered foreign manufacturer fails to respond to a request under the provisions of Article 22-3, paragraph (3), as applied mutatis mutandis pursuant to Article 33-2, paragraph (6);
- (iii) if the registered foreign manufacturer forges, alters, or unjustly uses the product guarantee label of an ordinary fertilizer that is exported from their country to Japan, which has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1), or affixes a forged

- or altered product guarantee label or anything that is likely to mislead consumers to the fertilizer or its container or package;
- (iv) if the registered foreign manufacturer uses a container or package indicating the name, trademark, or trade name or the name or components of the fertilizer manufactured by another person as the container or package of an ordinary fertilizer that is exported from their country to Japan, which has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1) without erasing the information on the label;
  - (v) when the Minister of Agriculture, Forestry and Fisheries requests the registered foreign manufacturer to make a report on the business if the minister finds it necessary to achieve the purpose of this Act, the registered foreign manufacturer fails to submit a report or submits a false report;
  - (vi) if the Minister of Agriculture, Forestry and Fisheries, to the extent necessary to enforce this Act, intends to have the Ministry employees or the Center inspect the books of accounts and documents related to the fertilizer, its raw materials, or the business, or have them question the associated persons or have them request the registered foreign manufacturer to provide a minimum amount of sample of the fertilizer or its raw materials needed for an analysis, without charge at the place of work, warehouse, or any other place related to the production or sale an ordinary fertilizer that is exported from their country to Japan, which has been registered or provisionally registered pursuant to the provisions of Article 33-2, paragraph (1), and when the registered foreign manufacturer refuses, prevents, or evades the analysis or request, or fails to answer a question, or gives a false answer;
  - (vii) if the situation apparently falls under the case prescribed in Article 31, paragraph (3);
  - (viii) if the Minister of Agriculture, Forestry and Fisheries have had the Center analyze an ordinary fertilizer that has been registered or provisionally registered under the provisions of Article 33-2, paragraph (1) in accordance with the analysis method specified in Article 31, paragraph (4), and the quality of fertilizer turned out to be poor as a result of the analysis, and thereby an agricultural product that may cause harm to humans or animals could be manufactured, and even if the minister has requested the registered foreign manufacturer to restrict or suspend the transfer or delivery of the fertilizer in order to prevent such a situation from occurring, the registered foreign manufacturer fails to respond to this request;
  - (ix) if the registered foreign manufacturer engages in misconduct when filing an use for registration or provisional registration under the provisions of Article 33-2, paragraph (1);
  - (x) if the registered foreign manufacturer fails to appoint a new domestic administrator when its position is vacant;

- (xi) if the registered foreign manufacturer or its domestic administrator violates the provisions of this Act or of an order under this Act.
- (2) A person whose registered or provisionally registered fertilizer has been revoked pursuant to the provisions of the preceding paragraph must return the registration certificate or provisional registration certificate to the Minister of Agriculture, Forestry and Fisheries without delay.
- (3) A person whose registration or provisional registration of a fertilizer has been revoked pursuant to the provisions of paragraph (1) may not be eligible to register or provisionally register an identical ordinary fertilizer (including ones with different names) for one year from the revocation date.
- (4) The provisions of Article 33, paragraph (1) apply mutatis mutandis to a disposition implemented to register or provisionally register a change under the provisions of Article 13, paragraph (1) as applied mutatis mutandis pursuant to Article 33-2, paragraph (6); the provisions of Article 33, paragraph (2) apply mutatis mutandis to the revocation of registration or provisional registration under the provisions of Article 9, paragraph (3) or Article 13-3, paragraph (1) or under the provisions of paragraph (1) as applied mutatis mutandis pursuant to Article 33-2, paragraph (6), or to a hearing regarding a disposition implemented to register or provisionally register a change under the provisions of Article 13-2, paragraph (1) as applied mutatis mutandis pursuant to Article 33-2, paragraph (6); and the provisions of Article 34, paragraph (2) and (3) apply mutatis mutandis to the disposition or its inaction implemented against an application to register or provisionally register a change under the provisions of Article 13-2, paragraph (1) as applied mutatis mutandis pursuant to Article 33-2, paragraph (6).

(Orders Issued to the Center)

Article 33-6 The Minister of Agriculture, Forestry and Fisheries, finding it necessary properly to carry out the ministerial duties to conduct an examination referred to in Article 7, paragraph (1), Article 8, paragraph (1) or Article 13-2, paragraph (2) (including as applied mutatis mutandis pursuant to Article 33-2, paragraph (6)), the testing of fertilizer effectiveness referred to in Article 9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33-2, paragraph (6)), an on-site inspection, etc. referred to in Article 30-2, paragraph (1), an analysis referred to in Article 31, paragraph (4), or on-site inspection and questioning referred to in Article 33-3, paragraph (2), may issue orders to the Center necessary for the duties.

(Request for Administrative Review)

Article 34 (1) A person, who has filed an application for registration with the prefectural governor pursuant to the provisions of Article 6, paragraph (1), may

deem it to have been denied if the prefectural governor fails to act on the application within fifty days of the date of the application and submit a request for administrative review.

- (2) A review or an objection against the disposition or its inaction implemented for an use for registration or provisional registration, for a change under the provisions of Article 13-2, paragraph (1), a disposition implemented to restrict or prohibit the transfer or delivery of a fertilize under the provisions of Article 31, paragraph (1) or (2) or a disposition implemented to issue an order under the provisions of Article 31-2, except for the case of dismissing the request for review pursuant to the provisions of Article 24 of the Administrative Complaint Review Act (Act No. 68 of 2014), the referee, pursuant to the provisions of Article 11-2 of this Act, must proceed after hearing the opinions of the person who requested the review.
- (3) The provisions of Article 31 of the Administrative Complaint Review Act does not apply to the request for review prescribed in the preceding paragraph, and the provisions of paragraphs (2) through (5) of the same Article apply mutatis mutandis to the hearing of opinions in the same paragraph.

(Exclusion from Use)

- Article 35 (1) If a fertilizer is manufactured, imported, transferred, transported, or stored to export to another country, or if a fertilizer prescribed by the Minister of Agriculture, Forestry and Fisheries is manufactured, imported, transferred, transported, or stored for industrial use or being used as feed, this Act does not apply to these cases pursuant to the Order of the Ministry of Agriculture, Forestry and Fisheries. The same applies if a fertilizer prescribed by a prefectural governor is manufactured, imported, transferred, transported, or stored within the prefectural area for industrial use or being used as feed.
- (2) The prefectural governor, who designated pursuant to the provisions of the preceding paragraph, must promptly notify the Minister of Agriculture, Forestry and Fisheries.

(Delegation of authority)

- Article 35-2 The authority of the Minister of Agriculture, Forestry and Fisheries as provided for in this Act may be partially delegated to the Director of Regional Agricultural Administration Office, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(Types of Administrative Functions)

- Article 35-3 The administrative functions set forth in the following items among those that are to be administered by the prefecture pursuant to the provisions of this Act, are Type 1 statutorily entrusted functions specified in Article 2,



paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947):

- (i) administrative functions that are to be administered by a prefecture pursuant to the provisions of Article 4, paragraphs (1) and (3); Article 6, paragraph (1); Article 7, paragraph (1); Article 10; Article 12, paragraph (4); Article 13; Article 15; Article 16, paragraphs (1), (2), and (4); Article 16-2; Article 22; Article 29, paragraph (1); and Article 30, paragraph (1);
- (ii) functions that are to be administered by prefectures pursuant to the provisions of Article 29, paragraph (4); Article 30, paragraphs (4) and (7); Article 31, paragraph (3); and Article 33, paragraph (1) (excluding those involving vendors);
- (iii) functions that are to be administered by prefectures pursuant to the provisions of Article 31, paragraph (2), other than the following functions:
  - (a) an disposition regarding a violation of the provisions of Article 19, paragraph (2);
  - (b) a disposition against a vendor related to the notification (excluding a disposition set forth in (a)).
- (iv) acceptance of a returned registration certificate under the provisions of Article 31, paragraph (6) (excluding acceptance of those returned due to a disposition set forth in (a) of the preceding item);
- (v) notification under the provisions of Article 31, paragraph (7) (excluding notification regarding a disposition set forth in item (iii), (a) or (b)).

#### (Transitional Measures)

Article 35-4 If an order is enacted or amended or repealed pursuant to the provisions of this Act, the order may prescribe any necessary transitional measures (including transitional measures for penal provisions) to the extent considered reasonably necessary for the enactment or amendment to or repeal of the order.

#### (Penal Provisions)

Article 36 Any person, who falls under any of the following items, is punishable by imprisonment with work for up to three years, a fine of up to one million yen, or both:

- (i) a person who manufactures or imports an ordinary fertilizer in the course of trade, which has not been registered or provisionally registered pursuant to the provisions of Article 4 or Article 5, or a person who engages in misconduct when filing an use for registration or provisional registration under the provisions of Article 4, Article 5 or Article 33-2, paragraph (1);
- (ii) a person who violates the provisions of Article 19, paragraph (1); Article 21-2; Article 21-3, paragraph (3); Article 25; or Article 33-4, paragraph (3);
- (iii) a person who violates the restrictions or prohibition under the provisions

- of Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 19, paragraph (3);
- (iv) a person who provides false information on a product guarantee label in violation of the provisions of Article 20;
  - (v) a person who unjustly uses a product guarantee label or affixes anything that is likely to mislead consumer to a fertilizer sold by the person or to its container or package in violation of the provision of Article 24, paragraph (1)
  - (vi) a person violates restrictions or prohibition on the transfer, delivery, or use of a fertilizer under the provisions of Article 31, paragraph (3) or (4);
  - (vii) a person who violates an order under the provisions of Article 31-2.

Article 37 A person who falls under any of the following items is punishable by imprisonment with work for up to one year, a fine of up to 500,000 yen, or both:

- (i) a person who started business without submitting a notification under the provisions of Article 16-2, paragraph (1) or (2), Article 22, paragraph (1) or Article 33-4, paragraph (1) , or a person who submits a false notification;
- (ii) a person who fails to make a notification pursuant to the provisions of Article 16-2, paragraph (3), Article 22, paragraph (2), Article 23 or Article 33-4, paragraph (2), or a person who submits a false notification;
- (iii) a person who violates the provisions of Article 24, paragraph (2), Article 26 (including as applied *mutatis mutandis* pursuant to Article 33-2, paragraph (6)), or Article 33-4, paragraph (4).

Article 38 A person who falls under any of the following items is punishable by a fine of up to 500,000 yen:

- (i) a person who fails to submit a notification or application under the provisions of Article 13, paragraph (1) or (2), or a person who submits a false notification;
- (ii) a person who has changed the name without submitting a notification or application under the provisions of Article 13, paragraph (4), or a person who submits a false notification;
- (iii) a person who fails to submit a notification under the provisions of Article 15, paragraph (1), or a person who submits a false notification;
- (iv) a person who violates the provisions of Article 17, paragraph (1) or (2) or Article 18, paragraph (1);
- (v) a person who provides matters other than the matters prescribed by this Act on a product guarantee label in violation of the provisions of Article 20.

Article 39 A person who falls under any of the following items is punishable by a fine of up to 300,000 yen.

- (i) a person who violates the provisions of Article 11;

- (ii) a person who fails to submit a notification or application under the provisions of Article 13, paragraph (3) or who submits a false notification;
- (iii) a person who violates an order under the provisions of Article 22-3, paragraph (3);
- (iv) a person who fails to maintain the books of accounts, fails to make entries in the books, or makes a false entry in violation of the provisions of Article 27, paragraph (1) or (2);
- (v) a person who violates an order under the provisions of Article 29, paragraph (1), (2) or (3) (including the case applied mutatis mutandis in Article 33-2, paragraph (6)) and fails to submit a report or submits a false report;
- (vi) a person who refuses, prevents, or evades an entry into their place, analysis, or sample taking under the provisions of Article 30, paragraph (1) or (3) or Article 30-2, paragraph (1), or a person who fails to answer questions under these provisions, or who gives false answers;
- (vii) a person who refuses, prevents, or evades entry into their place or testing under the provisions of Article 30, paragraph (2) or Article 33-3, paragraph (1) or (2), or fails to answer questions under these provisions, or gives false answers.

Article 40 If the representative of a corporation or the agent, worker, or any other worker of a corporation or individual commits a violation referred to in Article 36 through the preceding Article in connection with the business of the corporation or individual, not only the offender is punishable but also, the corporation or individual is punishable by the fine prescribed respectively in the following items, and the violator is punishable by the fine prescribed in the respective Articles:

- (i) Article 36, items (i), (ii) (limited to the part concerning Article 19, paragraph (1)), (iii), (iv), and (vii): a fine of up to 100 million yen;
- (ii) Article 36 (excluding the part concerning the preceding item) and Articles 37 through 39: the fine prescribed in the respective Articles.

Article 41 If a person violates an order under the provisions of Article 33-6, the officer of the Center who commits the violation is punishable with a civil fine of up to 200,000 yen.

Article 42 A person who violates the provisions of Article 9, paragraph (4); Article 15, paragraph (2); Article 27, paragraph (3); Article 31, paragraph (6); or Article 33-2, paragraph (5) is punishable by a civil fine of up to 100,000 yen.

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

(Effective Date)

- (1) The effective date of this Act is prescribed by Cabinet Order within a period not exceeding sixty days from the day of its promulgation; provided, however, that the effective date of the provisions of Article 4 and 5, Articles 17 through 20, and Articles 27 and 28 is August 1, 1950.
- (3) The Fertilizer Control Act (Act No. 51 of 1908, hereinafter referred to as the "Former Act") is hereby repealed.

**Supplementary Provisions [Act No. 75 of April 26, 1954] [Extract]**

- (1) This Act comes into force on the day on which thirty days have elapsed from the date of its promulgation.

**Supplementary Provisions [Act No. 145 of June 11, 1956]**

- (1) This Act comes into force as of October 1, 1956.
- (2) Prior laws continues to govern the application of penal provisions concerning conduct that a person engaged in prior to this Act taking effect.

**Supplementary Provisions [Act No. 161 of October 26, 1961]**

- (1) This Act comes into force on the day on which thirty days have elapsed from the date of its promulgation.
- (2) The provisions of Articles 4, 5, 17 thorough 20, and 27 of the Fertilizer Control Act do not apply to substances used on plants for the purpose of supplying nutrients to plants, until the day on which sixty days have elapsed from the date of the promulgation of this Act.

**Supplementary Provisions [Act No. 161 of September 15, 1957] [Extract]**

- (1) This Act comes into force on October 1, 1957.
- (2) Except as otherwise provided for in these Supplementary Provisions, the provisions amended by this Act also apply to a disposition implemented by an administrative authority prior to this Act taking effect, inactions by an administrative authority in connection with an application filed prior to this Act taking effect, or other matters occurred prior to this Act taking effect; provided, however, that these provisions do not preclude the effect of the provisions prior to amendment by this Act.
- (3) Prior laws continue to govern the petition, request for administrative review, objection, and any other administrative complaints (hereinafter referred to as a "petition and other actions") filed before this Act taking effect, even after this

Act taking effect. The same applies to an administrative determination, decision, or other disposition on a petition and other actions. made before this Act taking effect (hereinafter referred to as an "administrative determination etc.") or to a petition and other actions. that is filed by a person who is dissatisfied with the administrative determination, etc. that was made after this Act taking effect on a petition and other actions. filed before this Act taking effect.

- (4) A petition and other actions specified in the preceding paragraph for a disposition, on which a complaint may be filed pursuant to the Administrative Complaint Review Act after this Act taking effect, are to be deemed a complaint filed under the Administrative Complaint Review Act, with regard to the application of Acts other than that Act,.
- (5) No complaint under the Administrative Complaint Review Act may be filed against an administrative determination, etc. about an application for examination, objection, or other complaints filed after this Act taking effect pursuant to the provisions of paragraph (3).
- (6) With regard to a disposition implemented by an administrative authority prior to this Act taking effect, against which a petition and other actions. may be filed pursuant to the provisions prior to amendment by this Act, and for which the period for filing has not been set, the period for filing a complaint under the Administrative Complaint Review Act is counted from the date on which this Act comes into effect.
- (8) Prior laws continue to govern the application of penal provisions concerning conduct that a person engaged in prior to this Act taking effect.
- (9) Other than what is prescribed in the preceding eight paragraphs, transitional measures necessary to enforce this Act are prescribed by Cabinet Order.

### **Supplementary Provisions [Act No. 27 of April 24, 1978] [Extract]**

(Effective Date)

- (1) This Act comes into force on the day of its promulgation; provided, however, that the provisions for revising Article 11, paragraph (1) of this Act on Real Estate Appraisal in Article 1; the provisions of Articles 2, 3, 5, and 6; the provisions for revising Article 107, paragraph (1) of the Patent Act in Article 19; the provisions for revising Article 31, paragraph (1) of the Utility Model Act in Article 20; the provisions for revising Article 42, paragraphs (1) and (2) of the Design Act in Article 21; the provisions for revising Article 40, paragraphs (1) and (2) of the Trademark Act in Article 22; the provisions for revising Article 5, paragraph (2) of the Interpreter Guide Act in Article 28; and the provisions of Articles 29 and 30 come into force on May 1, 1978.

**Supplementary Provisions [Act No. 87 of July 5, 1978] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day of its promulgation; provided, however, that the provisions prescribed in the following items come into force on the day prescribed in the relevant item:

- (i) the provisions for revising Article 64-4, paragraph (1), Article 66, Article 67, Article 68, paragraphs (1), (2), and (4), Article 69; and the provisions for revising Article 69-2, paragraph (2); the provisions for adding one Article after Article 69-3; the provisions for revising Article 70, paragraphs (1) and (3); the provisions for changing that Article to Article 71; and the provisions for deleting Article 72 and changing Article 71 to Article 72: January 1, 1979;
- (ii) the provisions for revising Article 18-8, Article 22, paragraph (2) and Article 22-3, paragraph (2); the provisions for deleting Article 78, item (vi); the provisions for revising Article 80, item (i) and Article 81; the provisions for revising the table of Article 82, paragraph (2) (limited to the part for deleting the paragraph concerning the Freshwater Fisheries Research Laboratory); the provisions for revising Article 83; the provisions for adding one Article after that Article; and the provisions for revising Article 87: the date prescribed by Cabinet Order for the relevant provisions, which is before March 31, 1979;
- (iii) the provisions for revising Article 18, paragraph (3), Article 18-3, paragraph (2), and Article 21, paragraph (2): the date prescribed by Cabinet Order for the relevant provisions, which is before March 31, 1980.

**Supplementary Provisions [Act No. 69 of July 23, 1982] [Extract]**

(Effective Date)

(1) This Act comes into effect on the day of its promulgation.

**Supplementary Provisions [Act No. 40 of May 17, 1983]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding one year from the day of its promulgation.

(Transitional Measures)

Article 2 Prior laws continue to govern the treatment of an application for registration or provisional registration or an application for renewal of registration certificate or provisional registration certificate that was filed under the Fertilizer Control Act amended by this Act (hereinafter referred to

as the "Former Act") prior to the date on which this Act comes into effect (hereinafter referred to as the "effective date"), specifically the treatment of an application for registration or provisional registration, and an application for renewal of registration certificate or provisional registration certificate, that has not been rejected as of the date on which this Act comes into effect (excluding the issuance of a registration certificate or provisional registration certificate referred to in Article 10 of the Former Act or public notice of registration or provisional registration referred to in Article 16, paragraph (1) of the Former Act).

Article 3 (1) Registration certificate of a fertilizer referred to in Article 4, paragraph (1), item (iii) of the Former Act issued by the Minister of Agriculture, Forestry and Fisheries to an agricultural cooperative specified in Article 4, paragraph (2) (excluding an agricultural cooperatives covering the area within the municipal area; hereinafter simply referred to as an "agricultural cooperative") of the Fertilizer Control Act amended by this Act (hereinafter referred to as the "New Act") as of the date this Act taking effect, and an application for registration certificate or renewal of registration certificate of a fertilizer referred to in that item to be issued by the Minister of Agriculture, Forestry and Fisheries to an agricultural cooperative after the effective date, pursuant to the provisions of the preceding Article, is to be deemed a fertilizer registered or registration certificate renewed by the prefectural governor under the New Act during the effective period.

(2) A registration certificate of a fertilizer referred to in Article 4, paragraph (1), item (iii) of the Former Act that has been issued to an agricultural cooperative as of the effective date of this Act is to be deemed a registration certificate issued by the prefectural governor under the New Act.

Article 4 If a container or package being used for an ordinary fertilizer to which a product guarantee label by manufacturer, a product guarantee label by importer or a product guarantee label by vendor conforming to the Former Act is affixed as of the effective date of this Act is used as the container or package of an ordinary fertilizer (limited to an ordinary fertilizer that has been registered or provisionally registered as of the effective date of this Act) within one year from the effective date, a product guarantee label by manufacturer, a product guarantee label by importer, or a product guarantee label by vendor conforming to the New Act is deemed to have been affixed to the container or package.

Article 5 (1) The manufacturer of an ordinary fertilizer which has been registered by the prefectural governor as of the effective date of this Act is

deemed to have submitted a notification of sale of fertilizer to the prefectural governor under the New Act on the effective date, and the manufacturer of an ordinary fertilizer who files an application for registration or to file an application for renewal of the registration certificate with the prefectural governor after the effective date pursuant to the provisions of Article 2 of the Supplementary Provisions is deemed to have submitted a notification of sale of fertilizer to the prefectural governor under the New Act on the date on which the fertilizer is registered or the registration certificate is renewed.

- (2) A manufacturer or importer that has submitted a notification by manufacturer or importer of a special fertilizer to the prefectural governor under the Former Act as of the effective date of this Act is deemed to have submitted a notification of sale of fertilizer to the prefectural governor on the effective date.

Article 6 Prior laws continue to govern the application of penal provisions concerning conduct that a person engaged in prior to this Act taking effect and conduct that a person engages in after this Act taking effect if the conduct continues to be governed by prior laws pursuant to the Supplementary Provisions of this Act.

(Provisions Governed by Cabinet Order)

Article 7 Other than what is set forth in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary to enforce this Act are prescribed by Cabinet Order.

#### **Supplementary Provisions [Act No. 57 of May 25, 1983] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on a day specified by Cabinet Order within a period not exceeding three months from the day of its promulgation; provided, however, that the provisions of Article 8 come into effect on the day specified by Cabinet Order referred to in Article 1 of the Supplementary Provisions of this Act Partially Amending the Fertilizer Control Act (Act No. 40 of 1983).

#### **Supplementary Provisions [Act No. 78 of December 2, 1983] [Extract]**

- (1) This Act (excluding Article 1) comes into effect on July 1, 1984.

#### **Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]**

(Effective date)



Article 1 This Act comes into effect on the day on which of the Administrative Procedure Act (Act No. 88 of 1993) comes into effect.

(Transitional Measures for Adverse Dispositions Regarding Which Consultation has been Held)

Article 2 Notwithstanding the provisions of the relevant Acts amended by this Act, prior laws continue to govern the procedure for an adverse disposition related to the consultation or other request if a council or any other organization that reaches agreement by mutual consent is requested to hold a consultation about the procedure for hearing or providing opportunity for explanation specified in Article 13 of the Administrative Procedure Act to be followed, or about the procedure corresponding to the procedure for making a statement of opinions pursuant to the laws and regulations, prior to this Act taking effect.

(Transitional Measures for Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions concerning conduct that a person engaged in prior to this Act taking effect.

(Transitional Measures for Consolidation of Provisions Concerning Hearings)

Article 14 A hearing or questioning or hearing session (excluding those related to an adverse disposition) that has been held pursuant to the provision of this Act prior to this Act taking effect, and the procedures for these, are deemed to have been held pursuant to the corresponding provisions of the relevant Acts amended by this Act.

(Provisions Governed by Cabinet Order)

Article 15 Other than what is set forth in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary to enforce this Act are prescribed by Cabinet Order.

### **Supplementary Provisions [At No. 97 of November 11, 1994] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day of its promulgation.

(Transitional Measures for Partial Amendment to the Fertilizer Control Act)

Article 11 Prior laws continue to govern the dissolution of a corporation whose fertilizer has been registered or provisionally registered, the discontinuation of the business of manufacturing or importing fertilizer operated by a person whose fertilizer has been registered or provisionally registered, and the

dissolution of a corporation that is a registered foreign manufacturer (meaning a registered foreign manufacturer referred to in Article 33-2, paragraph (3) of the Fertilizer Control Act; hereinafter the same applies in this Article), or the discontinuation of the fertilizer manufacturing business operated by a registered foreign manufacturer, which took place prior to the provisions of Article 13 taking effect, notwithstanding the provisions of the same Article in the Fertilizer Control Act, as amended.

(Transitional Measures for Penal Provisions)

Article 20 Prior laws continue to govern the application of penal provisions to conduct that a person engaged in prior to this Act taking effect (or the respective provisions, with regard to the provisions set forth in the items of Article 1 of the Supplementary Provisions) and conduct that a person engages in after the provisions of Articles 1, 4, 8, 9, 13, 27, 28, and 30 taking effect if the conduct is continued to be governed by prior laws pursuant to the provisions of Article 2, Article 4, Article 7, paragraph (2), Article 8, Article 11, Article 12, paragraph (2), Article 13 and Article 15, paragraph (4) of the Supplementary Provisions.

(Provisions Governed by Cabinet Order)

Article 21 Other than what is prescribed in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary to enforce this Act (including transitional measures for penal provisions) are prescribed by Cabinet Order.

### **Supplementary Provisions [Act No. 87 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2000; provided however, that the provisions set forth in the following items come into effect on the day specified in the respective items.

(i) the provisions for adding five Articles, a section title, and two subsections and subsection titles after Article 250 of the Local Autonomy Act in Article 1 ((limited to the part related to Article 250-9, paragraph (1) of that Act (limited to the part related to obtaining the consent from both Houses)); the provisions for revising paragraphs (9) and (10) of the Natural Parks Act Supplementary Provisions in Article 40 (limited to the part related to paragraph (10) of the Supplementary Provisions of that Act); the provisions of Article 244 (excluding the part related to the provisions for revising Article 14-3 of the Agricultural Improvement and Promotion Act); and the provisions of Article 472 (excluding the parts related to the provisions for

revising Articles 6, 8, and 17 of this Act on Special Measures Concerning the Merger of Municipalities); and the provisions of Articles 7, 10, and 12, the proviso to Article 59, Article 60, paragraphs (4) and (5), Articles 73 and 77, Article 157, paragraphs (4) through (6), Articles 160, 163, 164, and 202 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures for Partial Amendment to the Fertilizer Control Act)

- Article 82 (1) If a prefectural governor collects a report pursuant to the provisions of Article 29 of the Fertilizer Control Act prior to amendment by this Act under the provisions of Article 252 (hereinafter referred to as the "Former Fertilizer Control Act" in this Article) before the effective date, the provisions of Article 29, paragraph (4) of the Fertilizer Control Act amended by this Act under the provisions of Article 252 (hereinafter referred to as the "New Fertilizer Control Act" in this Article) do not apply.
- (2) If a prefectural governor conducts an on-site inspection or questioning pursuant to the provisions of Article 30, paragraph (1) of the Former Fertilizer Control Act before the effective date, the provisions of Article 30, paragraph (4) of the New Fertilizer Control Act do not apply.
- (3) Designation referred to in Article 35, paragraph (1) that has been approved pursuant to the provisions of paragraph (2) of that Article of the Former Fertilizer Control Act before the effective date is to be deemed designation referred to in paragraph (1) of that Article about which a consultation under the provisions of Article 35, paragraph (2) of the New Fertilizer Control Act has been held.
- (4) A request for approval that has already been filed pursuant to the provisions of Article 35, paragraph (2) of the Former Fertilizer Control Act as of the effective date of this Act is to be deemed a proposal for a consultation filed pursuant to the provisions of Article 35, paragraph (2) of the New Fertilizer Control Act.

(Transitional Measures for Filing Complaints)

Article 102 With regard to an request for review to which the provisions of the Administrative Complaint Review Act is to be applied on the assumption that there is a higher administrative authority pursuant to the provisions of Article 161, paragraph (1) of the Supplementary Provisions, the provisions of Article 34, paragraph (2) of the Fertilizer Control Act prior to amendment by this Act under the provisions of Article 252, the provisions of Article 27 of the Fishing Boat Act prior to amendment by this Act under the provisions of Article 257, the provisions of the second sentence of Article 10-11-5, paragraph (1), Article 10-11-6, paragraph (3), and Article 190, paragraphs (3) and (4) of the Forest Act prior to amendment by this Act under the provisions of Article 262, the

provisions of Article 15 of this Act Concerning Dairy and Beef Cattle Production Promotion prior to amendment by this Act under the provisions of Article 273, and the provisions of Article 31, paragraphs (1) and (3) of the Livestock Market Act prior to amendment by this Act under the provisions of Article 276 remain in force after the effective date.

(Functions Administered by the State)

Article 159 In addition to what is provided for in the relevant Acts prior to amendment by this Act, functions of the State, of other local government, or of any other public organization that is administered by an organ of a local government pursuant to the relevant Acts or Cabinet Orders under those Acts (hereinafter referred to as "functions administered by the State, etc." in Article 161 of the Supplementary Provisions) is to be administered by the local government as the functions pursuant to the relevant Acts or Cabinet Orders under those Acts after this Act taking effect.

(Transitional Measures for Dispositions and Applications)

Article 160 (1) With respect to the application of the respective Acts amended by this Act after the effective date of this Act to a disposition implemented and other actions taken (hereinafter referred to as "acts including a disposition") pursuant to the provisions of the respective Acts prior to amendment by this Act (the respective provisions with respect to the provisions set forth in items of Article 1 of the Supplement Provisions; the same applies in this Article and Article 163 of the Supplementary Provisions) before the effective date of this Act, or the request for permission and other action that has already been filed or taken pursuant to the provisions of the respective Acts prior to amendment by this Act on the effective date of this Act, if different persons perform the administrative functions related to these actions on the date on which this Act comes into effect, excluding these actions specified in the provisions of Article 2 through the preceding Article of the Supplementary Provisions or in the provisions concerning transitional measures referred to in the respective Acts amended by this Act (including Orders under this Act), are to be deemed these actions including dispositions, or the request filed pursuant to the corresponding provisions of the respective Acts amended by this Act.

(2) With respect to matters which must be reported, informed, or submitted to an organ of the State or a local government or for which other procedures must be followed by a person prior to this Act taking effect pursuant to the respective Acts prior to amendment by this Act, for which such procedures have not yet been followed prior to this Act taking effect, except as otherwise provided for in this Act or Cabinet Order under this Act, the procedures are deemed not to have been completed with respect to matters which must be reported, informed,

or submitted, or for which other procedures must be followed, to the organ of the relevant State or local government pursuant to the corresponding provisions of the respective Acts amended by this Act, and the provisions of the respective Acts amended by this Act apply.

(Transitional Measures for Administrative Complaint)

Article 161 (1) With regard to a complaint under the Administrative Complaint Review Act filed on a disposition related to an administrative function of the national government and others which has been implemented by an administrative authority (hereinafter referred to as the "administrative agency reaching the disposition" in this Article) having a higher administrative agency provided for in that Act before this Act taking effect, the administrative agency is deemed to have a higher administrative agency after the effective date, and the provisions of the Administrative Complaint Review Act apply. In this case, the administrative agency that is to be deemed the higher administrative agency of the administrative agency reaching the disposition is the administrative agency that was the higher administrative agency of the administrative agency reaching the disposition before the effective date.

(2) In the case referred to in the preceding paragraph, if the administrative agency that is to be deemed the higher administrative agency is an organ of a local government, the functions to be administered in accordance with the provisions of the Administrative Complaint Review Act are the type 1 statutorily entrusted functions defined in Article 2, paragraph (9), item (i) of the New Local Autonomy Act.

(Transitional Measures for Fees)

Article 162 Prior laws continue to govern a fee that must be paid pursuant to the provisions of the respective Acts (including Orders under these Acts) prior to amendment by this Act before this Act taking effect, except as otherwise specified in this Act or by Cabinet Order under this Act.

(Transitional Measures for Penal Provisions)

Article 163 Prior laws continue to govern the application of penal provisions to conduct that a person engaged in prior to this Act taking effect.

(Other Transitional Measures Governed by Cabinet Order)

Article 164 (1) Other than what is provided for in these Supplementary Provisions, transitional measures necessary to enforce this Act (including transitional measures for penal provisions) are prescribed by Cabinet Order.

(2) Matters necessary for the application of the provisions of Articles 18, 51 and 184 of the Supplementary Provisions are prescribed by Cabinet Order.

(Reviews)

Article 250 Creating additional type 1 statutorily entrusted functions specified in Article 2, paragraph (9), item (i) of the New Local Autonomy Act are to be minimized whenever possible, and what is listed in Appended Table 1 of that Act and what is provided for by Cabinet Order under the new Local Autonomy Act is to be examined from the perspective of promoting decentralization, and to be reviewed as appropriate.

Article 251 In order to enable local governments to execute their administrative functions and services autonomously and independently, the national government is to examine how to secure adequate sources of local tax revenue according to the sharing of roles between the national government and local governments, taking into account the prevailing economic trends, etc., and is to take the necessary measures based on the results of the review.

Article 252 In line with reforms to medical insurance system and the pension system, the government is to review the social insurance processing system for social insurance, the working conditions of government employees engaged in the social insurance system from the viewpoint of securing the convenience of the insured, etc., and making the paperwork more efficient, and is to take the necessary measures based on the results of the review, when the government finds it necessary to do so.

### **Supplementary Provisions [Act No. 111 of July 28, 1999]**

(Effective Date)

Article 1 This Act comes into effect on October 1, 2000; provided, however, that the provisions for adding two Articles after Article 22, the provisions for revising Article 31, paragraph (2) and Article 40, and the provisions of the following Article through Article 4 of the Supplementary Provisions and Article 7 of the Supplementary Provisions come into effect on the day of its promulgation.

(Transitional Measures for Official Specifications)

Article 2 The Minister of Agriculture, Forestry and Fisheries must establish official specifications for the fertilizers prescribed by Ministerial Order as those falling under the category of ordinary fertilizer set forth in Article 4, paragraph (1), item (iii) of the Fertilizer Control Act amended by this Act (hereinafter referred to as the "New Act") in accordance with the provisions of Article 3 of the New Act, and must issue public notice within six months of the

date of promulgation.

(Transitional Measures for Applications for Registration)

Article 3 A manufacturer or importer may file an application for registration of fertilizers specified by Ministerial Order referred to in the preceding Article with the Minister of Agriculture, Forestry and Fisheries, in accordance with the provisions of Article 6 of the New Act, from the day on which seven months have elapsed from the date of promulgation.

(Transitional Measures for Registration)

Article 4 Registration of the fertilizer is governed by the provisions of Article 7 of the New Act if an application for registration has been filed pursuant to the provisions of the preceding Article. In this case, if the registration of the fertilizer is governed by the provisions of that Article, the fertilizer is deemed to have been registered by the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of that Article as of the date on which this Act comes into effect.

(Transitional Measures for Dispositions Related to Special fertilizers)

Article 5 A disposition implemented by a prefectural governor against a manufacturer, importer or vendor in relation to a special fertilizer whose name is set forth in item (ii) of that paragraph of the Fertilizer Control Act that is to be notified pursuant to the provisions of Article 22, paragraph (1) of that Act, which has been informed pursuant to the provisions of Article 31, paragraph (2) or (3) of that Act, which falls under Article 4, paragraph (1), item (iii) of the New Act prior to this Act taking effect, is to be deemed a disposition implemented by the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 31, paragraph (1) or (3) of the New Act.

(Transitional Measures for Penal Provisions)

Article 6 Prior laws continue to govern the application of penal provisions to conduct that a person engaged in prior to this Act taking effect.

(Provisions Governed by Cabinet Order)

Article 7 Other than what is prescribed in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary to enforce this Act are prescribed by Cabinet Order.

## **Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect on January 6, 2001.

**Supplementary Provisions [Act No. 86 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on January 6, 2001; provided, however, that the provisions of Article 10, paragraph (2) and Articles 8 through 14 of the Supplementary Provisions come into effect on a day prescribed by Cabinet Order within a period not exceeding six month from that date.

(Transitional Measures for Partial Amendment to the Fertilizer Control Act)

Article 9 (1) An investigation that has been already conducted by employees of the Ministry of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 7 or Article 8, paragraph (1) of the Fertilizer Control Act prior to amendment by this Act (hereinafter referred to as the "Former Fertilizer Control Act") (including as applied mutatis mutandis pursuant to Article 33-2, paragraph (6) of the Former Fertilizer Control Act; the same applies in the following paragraph) under the provisions of that Article on the date on which the provisions of the preceding Article come into effect, is to be deemed an investigation that has been conducted by an inspection station pursuant to the provisions of Article 7, paragraph (1) or Article 8, paragraph (1) of the Fertilizer Control Act amended by this Act (including as applied mutatis mutandis pursuant to Article 33-2, paragraph (6) of the New Fertilizer Control Act; the same applies in the following paragraph) under the provisions of the preceding Article (hereinafter referred to as the "New Fertilizer Control Act") (including as applied mutatis mutandis pursuant to Article 33-2, paragraph (6) of the New Fertilizer Control Act).

(2) An investigation that has been conducted by employees of the Ministry of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 7 or Article 8, paragraph (1) of the Former Fertilizer Control Act prior to the date on which the provisions of the preceding Article come into effect, is to be deemed an investigation that has been conducted by an inspection station pursuant to the provisions of Article 7, paragraph (1) or Article 8, paragraph (1) of the New Fertilizer Control Act.

Article 10 (1) A test to measure effectiveness of a fertilizer being conducted by the Ministry of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 9, paragraph (1) of the Former Fertilizer Control Act on the date on which the provisions of Article 8 of the Supplementary Provisions come into effect (including as applied mutatis mutandis pursuant to Article 33-2,



paragraph (6) of the Former Fertilizer Control Act; hereinafter the same applies in the following paragraph) is to be deemed a test to measure effectiveness of a fertilizer being conducted by an inspection station pursuant to Article 9, paragraph (1) of the New Fertilizer Control Act (including as applied mutatis mutandis pursuant to Article 33-2, paragraph (6) of the New Fertilizer Control Act).

- (2) A test to measure effectiveness of a fertilizer that has been conducted by the Ministry of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 9, paragraph (1) of the Former Fertilizer Control Act prior to the date on which the provisions of Article 8 of the Supplementary Provisions come into effect, is to be deemed a test to measure effectiveness of a fertilizer that has been conducted by an inspection station pursuant to the provisions of Article 9, paragraph (1) of the New Fertilizer Control Act.

#### **Supplementary Provisions [Act No. 91 of May 31, 2000] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the day on which this Act Partially Amending the Commercial Code (Act No. 90 of 2000) comes into effect.

(Transitional Measures)

- (2) If the effective date of this Act is earlier than the effective date of the provisions of Article 8 of the Supplementary Provisions of this Act on the Food and Agricultural Materials Inspection Center (Act No. 183 of 1999), the phrase "Article 27" in the provisions for revising Article 19-5-2, Article 19-6, paragraph (1), item (iv) and Article 27 referred to in Article 31 of this Act on the Standardization and Proper Quality Labeling of Agricultural and Forestry Products is to be deemed replaced with "Article 26."

#### **Supplementary Provisions [Act No. 73 of June 11, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on a day specified by Cabinet Order within a period not exceeding three months as of the date of its promulgation.

(Reviews)

Article 2 The government, when five years have passed from this Act taking effect, is to conduct a review of the enforcement status of provisions amended by this Act, etc., under the provisions of Articles 1 through 5, and is to take necessary measures based on the results of the review, if the government finds it necessary to do so.

(Transitional Measures for Application of Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to conduct that a person engaged in prior to this Act taking effect.

(Provisions Governed by Cabinet Order)

Article 5 Other than what is prescribed in these Supplementary Provisions, transitional measures necessary to enforce this Act are prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 150 of December 1, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2005.

(Transitional Measures for Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to conduct that a person engaged in prior to this Act taking effect.

**Supplementary Provisions [Act No. 8 of March 30, 2007] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2007; provided, however, that the provisions of Article 4, paragraphs (2) and (3), Article 5, Article 7, paragraph (2) and Article 22 of the Supplementary Provisions come into effect on the day of its promulgation.

(Transitional Measures for Partial Amendment to the Fertilizer Control Act)

Article 13 (1) An investigation conducted or other action taken by a fertilizer and feed inspection station pursuant to the provisions of the Fertilizer Control Act prior to amendment by this Act (referred to as the "Former Fertilizer Control Act" in the following paragraph) under the provisions of the preceding Article before this Act comes into effect, is to be deemed an investigation conducted or other action taken by the Food and Agricultural Materials Inspection Center under the corresponding provisions of the Fertilizer Control Act amended by this Act under the provisions of that Article (referred to as the "New Fertilizer Control Act" in the following paragraph).

(2) An action falling under Article 33-5, paragraph (1), item (vi) of the Former Fertilizer Control Act that a person takes against a fertilizer and feed inspection station before the New Fertilize Regulation Act comes into effect, is to be deemed an action falling under Article 33-5, paragraph (1), item (vi) of

the New Fertilizer Control Act, and the provisions of that paragraph apply.

(Transitional Measures for Penal Provisions)

Article 21 Prior laws continue to govern the application of penal provisions to conduct that a person engaged in prior to the effective date and conduct that a person engages in after the effective date, which is governed by prior laws pursuant to the provisions of Article 10 of the Supplementary Provisions.

(Provisions Governed by Cabinet Order)

Article 22 Other than what is provided for in these Supplementary Provisions, transitional measures necessary to enforce this Act are prescribed by Cabinet Order.

### **Supplementary Provisions [Act No. 62 of December 4, 2019] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation. Provided, however, that the provisions set forth in the following items come into effect from the date specified in each item.

- (i) The proviso of Article 8, paragraph (1), Article 32, Article 33-5, paragraphs (3) and (4), revised provisions, and Supplementary Provisions Article 3, Article 4, paragraphs (2) through (5), the provisions of Articles 7 and 9: Date of promulgation;
- (ii) Article 2, Article 3, Article 4, paragraph (1), item (iii), Article 6, paragraph (1) and the revised provisions in proviso of Article 7, paragraph (1), the revised provisions of Article 17, paragraph (1), item (iii) (limited to the part pertaining to the replacement of "main components" with "main components"), the revised provisions of Article 21 (include headlines) (except for the parts pertaining to the replacement of " designated blended fertilizer " with " designated mixed fertilizer "), Article 22-2, Article 22-3, the revised provisions of Article 26, Article 27, and Article 31, paragraph (2), (limited to the parts of "except in the case of failure to indicate the labeling matters or failure to comply with the compliance requirements") the revised provisions of Article 33-2, paragraph (4) (limited to the parts pertaining to the replacement of "Article 21 and" with "Article 21, paragraph (1), Article 22-3, paragraphs (1) through (3) and" and "in Article 21" with "in Article 22-3, paragraph (3)"), Article 33-5, paragraph (1), item (ii), the revised provisions of Article 35-3, item (iii), (a), and Article 39, item (iii), the provisions of the following Article and Article 6 of the Supplementary Provisions and the revised provisions in Article 11 of the Supplementary Provisions pertaining

to the revised provisions of appended table 1 of the Local Autonomy Act (Act No. 67 of 1947) and item (iii), (a) of the Fertilizer Control Act (Act No. 127 of 1950): Date specified by a Cabinet Order within a period not exceeding two years from the date of promulgation.

(Transitional Measures Concerning Registration, etc.)

Article 2 Prior laws continues to govern the application for registration under Article 6, paragraph (1) of the Fertilizer Control Act (hereinafter referred to as the "Old Act") (including cases where it is applied mutatis mutandis pursuant to Article 33-2, paragraph (6) of the Old Act ; the same applies in the following paragraph) or the application for renewal of validity period of registration under Article 12, paragraph (2) of the Fertilizer Control Act (including cases where it is applied mutatis mutandis pursuant to Article 33-2, paragraph (6) of the Old Act, the same applies in the following Articles), prior to the effective date of the provisions listed in item (ii) of the preceding Article (hereinafter referred to as the "effective date of item (ii)"), when the provisions listed in the same item come into effect, the disposition on disposition for whether to renew the registration or the validity period of the registration has not been made.

Article 3 Prior laws continues to govern the registration or the provisional registration under Article 6, paragraph (1) of the Old Act before the effective date of the provisions listed in Article 1, item (i) of the Supplementary Provisions (in Article 7 of the Supplementary Provisions, referred to as "the effective date of item (i)"), with regard to an application that has not been subject to a disposition as to whether or not to be registered or provisionally registered at the time the provisions listed in the same item taking effect, the disposition of such a disposition is subject to the quality assurance, etc. of the fertilizer after revision by this Act. Notwithstanding the provisions of Article 8, Article 32, and Article 33-5, paragraph (3) of this Act on Ensuring Quality of Fertilizer (hereinafter referred to as the "New Act").

(Transitional Measures Concerning Notification, etc.)

Article 4 (1) Before the effective date of this Act (hereinafter referred to as the "effective date"), production of special fertilizers prescribed in Article 2, paragraph (2) of the Old Act or designated blended fertilizers prescribed in the proviso of Article 4, paragraph (1) of the Old Act, a notification, submitted by a person who has started an import business, pursuant to the provisions of Article 16-2, paragraph (1) or (2) of the Old Act or Article 22, paragraph (1) before the effective date, is deemed to have been made pursuant to the provisions of Article 16-2, paragraph (1) or (2) of the New Act or Article 22, paragraph (1).

- (2) After the effective date, the production or import of the special fertilizer prescribed in Article 2, paragraph (2) of the New Act or the designated mixed fertilizer prescribed in Article 5 of the New Act, or the registration, a person who intends to start the business of importing an ordinary fertilizer that has been provisionally registered, even before the effective date, complying with Article 16-2, paragraph (1) or (2), or Article 22, paragraph (1) or Article 33-4, paragraph (1) of the New Act, may submit notification to the Minister of Agriculture, Forestry and Fisheries or the prefectural governor pursuant to the provisions of Article 33-2, paragraph (1).
- (3) A person who has made a false notification in accordance with the provisions of the preceding paragraph is punishable by imprisonment with work for not more than one year or a fine of not more than 500,000 yen, or both.
- (4) If the representative of a corporation or the agent, worker, or any other worker of a corporation or individual commits a violation referred to the provisions of the preceding paragraph in connection with the business of the corporation or individual, not only the offender is punishable but also, the corporation or individual is punishable by the fine prescribed of the same paragraph.
- (5) With regard to the application of the provisions of Article 37, item (i) of the New Act when the notification under the provisions of paragraph (2), the notification is to be deemed made pursuant to the provisions of Article 16-2, paragraph (1) or (2), Article 22, paragraph (1) or Article 33-4, paragraph (1) of the New Act.

(Transitional Measures Concerning Product Guarantee Label)

Article 5 When a container or packaging used for designated blended fertilizer stipulated in the proviso of Article 4, paragraph (1) of the Old Act to which the written guarantee by manufacturer, importer, or vendor is affixed in complying with the Old Act at the time this Act taking effect, is used as a container or package for fertilizers listed in Article 4, paragraph (2), item (ii) of the New Act (limited to those that have been notified of pursuant to the provisions of Article 16-2, paragraph (1) or (2)) within one year of the effective date, the written guarantee by manufacturer, importer, or vendor is to be deemed affixed in complying with the New Act.

(Transitional Measures Concerning Books)

Article 6 The provisions of Article 27, paragraphs (1) and (2), and Article 33-2, paragraph (4) of the New Act apply to fertilizers imported, purchased, or sold after the effective date of item (ii), however, with regard to fertilizers imported, purchased or sold before the effective date of item (ii), the provisions then in force remain applicable.

(Transitional Measures Concerning Request for Administrative Review)

Article 7 Prior laws continue to govern the request for administrative review of a disposition or inaction by an administrative agency based on the provisions of the Old Act, in which the disposition of the administrative agency was made before the effective date of item (i) or the administrative agency's inaction related to the application made before the effective date of item (i).

(Transitional Measures Concerning Penal Provisions)

Article 8 Prior laws continue to govern the acts committed before this Act taking effect (in the case of the provisions listed in Article 1, item (ii) of the Supplementary Provisions, the provisions), and in cases where the provisions of Article 6 of the Supplementary Provisions still apply to the previous example with regard to the application of penalties to acts committed on or after the effective date of item (ii).

(Delegation to Cabinet Order)

Article 9 In addition to what is stipulated in this Supplementary Provisions, transitional measures necessary to enforce this Act is specified by Cabinet Order.

(Consideration)

Article 10 Five years after the provisions listed in Article 1, item (ii) of the Supplementary Provisions taking effect, the government will review the status of enforcement of the provisions after revision by the Act, and if deemed necessary, necessary measures are to be taken based on the results.

### **Supplementary Provisions [Act No. 68 of June 17, 2022] [Extract]**

(Effective Date)

(1) This Act comes into effect as of the date this Act for Partial Revision of the Penal Code, etc. takes effect; provided, however, that the provisions in the following items come into effect as of the date prescribed respectively in each item.

(i) Provisions of Article 509: date of promulgation