

# Enforcement Order of the Act on the Rational Use and Proper Management of Fluorocarbons

(Cabinet Order No. 396 of December 12, 2001)

(Designated Products)

Article 1 Those specified by Cabinet Order referred to in Article 2, paragraph (2) of the Act on Rational Use and Proper Management of Fluorocarbons (Act No. 64 of 2001; hereinafter referred to as the "Act") are as follows:

- (i) air conditioners (excluding those other than specified products, whose indoor unit and outdoor unit are installed integrally and penetrating the wall, and others specified by Order of the Ministry of Economy, Trade and Industry);
- (ii) undiluted solution for rigid polyurethane foam (limited to those used for molding heat insulating materials, and excluding those used for forming or manufacturing products referred to in items (iii) and (iv));
- (iii) heat insulating materials (limited to those using rigid polyurethane foam);
- (iv) refrigeration equipment and freezing equipment other than class I specified products (limited to those using rigid polyurethane foam, including vending machines which have refrigeration or freezing functions);
- (v) nebulizers filled with propellant only (excluding those to be used under situations where only incombustibility is required).

(Councils from Which the Minister Should Hear Opinions before Issuing an Order to Manufacturers of Fluorocarbons)

Article 2 The Council referred to in Article 11, paragraph (3) of the Act that is specified by Cabinet Order is the Industrial Structure Council.

(Councils from Which the Minister Should Hear Opinions before Issuing an Order to Manufacturers of Designated Products)

Article 3 The Council referred to in Article 11, paragraph (3) of the Act as applied mutatis mutandis by replacing the terms pursuant to Article 13, paragraph (2) and Article 15, paragraph (2) of the Act that is specified by Cabinet Order is the Industrial Structure Council.

(Amount of Fees)

Article 4 (1) The amount of fees referred to in Article 25 of the Act (hereinafter simply referred to as "fees" in this Article) is, according to the method for disclosure set forth in the following items, the amount prescribed respectively in the those items:

- (i) when disclosing by issuing sheets of paper with the relevant records output

- thereon: 10 yen per sheet;
- (ii) when disclosing by issuing an optical disc (limited to that which can be played on a playback device for optical discs with a diameter of 120 mm conforming to Japanese Industrial Standards X0606 and X6281) with the relevant records copied thereto: the sum of 60 yen per sheet, plus 240 yen per 0.2 MB (or plus 260 yen per 40 MB in the case of issuing an optical disc with all the matters recorded in the file for the year pertaining to the request for disclosure referred to in Article 21, paragraph (2) of the Act (hereinafter referred to as "request for disclosure" in the following item) copied thereto);
  - (iii) when disclosing by copying the records into a file provided in a computer used by the recipient, by means of an electronic data processing system (meaning an electronic data processing system connecting to a computer used by the Minister (including input/output device; hereinafter the same applies in this item) and a computer used by a recipient via an electric communication line) (limited to the case where the request for disclosure has been made by means of an electronic data processing system under the provisions of Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedures (Act No. 151 of 2002)): 120 yen per 0.2 MB (or 170 yen per 40 MB in the case of copying all the matters recorded in the file for the year pertaining to the request for disclosure).
- (2) Fees must be paid by attaching a revenue stamp to a document stating the matters set forth in the items of Article 21, paragraph (2) of the Act; provided, however, that fees may be paid in cash in the cases specified by order of the competent ministry.
- (3) A person to whom the matters recorded in the file is disclosed may request the sending of a copy of the matters recorded in the file, by paying the expenses required for the sending along with the fees. In this case, the expenses must be paid via postage stamps or similar certificates specified by the competent minister.

(Collection of Reports)

- Article 5 (1) Pursuant to the provisions of Article 91 of the Act, the competent minister may request a manufacturer, etc. of fluorocarbons to report on the status of manufacture, etc. of alternative substances to fluorocarbons and other rational uses of fluorocarbons referred to in Article 2, paragraph (6) of the Act.
- (2) Pursuant to the provisions of Article 91 of the Act, the competent minister may request a manufacturer, etc. of designated products (limited to one referred to in Article 13, paragraph (1) of the Act) to report on the status of reduction in the environmental impact of fluorocarbons used referred to in Article 4, paragraph (2) of the Act with respect to the designated products

manufactured by them.

- (3) Pursuant to the provisions of Article 91 of the Act, the competent minister may request a manufacturer, etc. of designated products to report on the status of indication on the designated products and of implementation of the matters to be observed by manufacturers, etc. upon the indication, with respect to the designated products manufactured by them.
- (4) Pursuant to the provisions of Article 91 of the Act, the competent minister may request a class I specified products maintenance operator or a class I fluorocarbon filling and recovery operator to report on the status of implementation of: the circulation of, and retention of a copy of recycling certificates (meaning those prescribed in Article 59, paragraph (1) of the Act; the same applies in the following paragraph, item (ii)); and the circulation of, and retention of a copy of destruction certificates (meaning those specified in Article 70, paragraph (1) of the Act; the same applies in paragraph (7), item (ii)).
- (5) Pursuant to the provisions of Article 91 of the Act, the competent minister may request a class I fluorocarbon recycling operator to report on the following matters:
  - (i) the status of implementation of collection, recycling or delivery of fluorocarbons;
  - (ii) matters concerning sending of, and retention of a copy of, recycling certificates.
- (6) Pursuant to the provisions of Article 91 of the Act, the competent minister may request a class I fluorocarbon recycling operator (including any person entrusted by the class I fluorocarbon recycling operator to transport fluorocarbons; hereinafter the same applies in the following Article, paragraph (4)) to report on the status of implementation of transport of fluorocarbons.
- (7) Pursuant to the provisions of Article 91 of the Act, the competent minister may request a fluorocarbon destruction operator to report on the following matters:
  - (i) the status of: accepting entrustment to collect or destroy fluorocarbons, or implementation of destruction of fluorocarbons;
  - (ii) matters concerning sending of, and retention of a copy of, destruction certificates.
- (8) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a manager of class I specified products to report on the status of use, etc. of class I specified products to be managed (meaning class I specified products to be managed prescribed in Article 16, paragraph (1) of the Act; the same applies in the following Article, paragraph (6)).
- (9) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a class I specified products maintenance operator to report on the

following matters:

- (i) the status of implementation of: entrustment of filling of, entrustment of recovery of, or delivery of, fluorocarbons;
  - (ii) matters concerning the notice referred to in Article 37, paragraph (2) of the Act;
  - (iii) matters concerning the notice referred to in Article 39, paragraph (2) of the Act.
- (10) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request an information processing center to report on the status of implementation of the operations set forth in Article 77, items (i) and (iii) of the Act.
- (11) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a person undertaking the disposal, etc. of class I specified products to report on the following matters:
- (i) the status of implementation of delivery of fluorocarbons;
  - (ii) matters concerning delivery of, and retention of a copy of, a recovery request referred to in Article 43, paragraph (1) of the Act;
  - (iii) matters concerning delivery of, and retention of a copy of, a written confirmation of entrustment (meaning a written confirmation of entrustment prescribed in Article 43, paragraph (2) of the Act; the same applies in paragraph (13), item (iii));
  - (iv) matters concerning delivery of, and retention of a copy of, a document referred to in Article 43, paragraph (4) of the Act;
  - (v) matters concerning retention of, and delivery of a copy of, a collection certificate (meaning a collection certificate prescribed in Article 45, paragraph (1) of the Act; hereinafter the same applies);
- (12) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a primary contractor for the specific demolition work to report on the following matters:
- (i) the status of implementation of: confirmation of whether class I specified products are in place in a building or other structure subject to demolition work (meaning demolition work prescribed in Article 42, paragraph (1) of the Act; the same applies in the following Article, paragraph (6)); and explanation of the result of the confirmation;
  - (ii) matters concerning delivery of, and retention of a copy of, a document referred to in Article 42, paragraph (1) of the Act.
- (13) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a person entrusted with the delivery of class I fluorocarbons to report on the following matters:
- (i) the status of entrustment of, or implementation of delivery of fluorocarbons;
  - (ii) matters concerning retention of a document referred to in Article 43,

- paragraph (4) of the Act;
- (iii) matters concerning circulation of, and retention of a copy of, a written confirmation of entrustment;
  - (iv) matters concerning retention of a copy of a collection certificate.
- (14) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a class I fluorocarbon filling and recovery operator that has been registered with the prefectural governor to report on the following matters:
- (i) the status of implementation of filling, collection, recovery, recycling or delivery of fluorocarbons;
  - (ii) matters concerning delivery of a filling certificate referred to in Article 37, paragraph (4) of the Act, or registration referred to in Article 38, paragraph (1) of the Act;
  - (iii) matters concerning delivery of a recovery certificate referred to in Article 39, paragraph (6) of the Act, or registration referred to in Article 40, paragraph (1) of the Act;
  - (iv) matters concerning delivery of, or sending of, and delivery of a copy of, a collection certificate, and retention of a copy thereof.
- (15) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a class I fluorocarbon filling and recovery operator that has been registered with the prefectural governor (including any person entrusted by the class I fluorocarbon filling and recovery operator to transport fluorocarbons; hereinafter the same applies in the following Article, paragraph (11)) to report on the status of implementation of transport of fluorocarbons.
- (16) Pursuant to the provisions of Article 91 of the Act, the prefectural governor may request a person undertaking the collection, etc. of class I specified products to report on the following matters:
- (i) the status of implementation of collection, etc. of class I specified products (meaning collection, etc. prescribed in Article 45-2, paragraph (1) of the Act; the same applies in the following Article, paragraphs (8) and (12));
  - (ii) matters concerning circulation and retention of a copy of a collection certificate.

(On-Site Inspections)

Article 6 (1) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the competent minister may have their personnel: enter offices or places of business of a manufacturer, etc. of fluorocarbons; and inspect fluorocarbons and other alternative substances to fluorocarbons manufactured by them, facilities in which the fluorocarbons and the other alternative substances to fluorocarbons are manufactured and their related facilities, and their related books and documents; or remove samples to the minimum extent necessary for tests without compensation.

- (2) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the competent minister may have their personnel: enter offices or places of business of a manufacturer, etc. of designated products; and inspect designated products manufactured by them, facilities in which the designated products are manufactured and their related facilities, and their related books and documents; or remove samples to the minimum extent necessary for tests without compensation.
- (3) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the competent minister may have their personnel enter offices or places of business of a class I specified products maintenance operator or a class I fluorocarbon filling and recovery operator and inspect their related books and documents.
- (4) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the competent minister may have their personnel: enter offices or places of business of a class I fluorocarbon recycling operator or places where the operations of recycling of fluorocarbons are performed; inspect fluorocarbons recycled by them, class I fluorocarbon recycling facilities, etc. referred to in Article 50, paragraph (1) of the Act and their related facilities, and their related books and documents; or remove samples to the minimum extent necessary for tests without compensation.
- (5) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the competent minister may have their personnel: enter offices or places of business of a fluorocarbon destruction operator; and inspect fluorocarbons destroyed by them, fluorocarbon destruction facilities referred to in Article 63, paragraph (2), item (iv) of the Act and their related facilities, and their related books and documents; or remove samples to the minimum extent necessary for tests without compensation.
- (6) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the prefectural governor may have their personnel: enter offices or places of business of a manager of class I specified products or places where class I specified products to be managed are in place (including a building or other structure subject to demolition work or a place of demolition work in cases where the manager of class I specified products is a party ordering the specific demolition work referred to in Article 42, paragraph (1) of the Act); and inspect the class I specified products to be managed (including a building or other structure where the class I specified products to be managed are in place when entering a building or other structure subject to demolition work) and their related books and documents.
- (7) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the prefectural governor may have their personnel enter offices or places of business of a class I specified products maintenance operator and inspect class I specified products maintained by them and their related books and

documents.

- (8) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the prefectural governor may have their personnel: enter offices or places of business of a person undertaking the disposal, etc. of class I specified products or places where class I specified products are in place (when the person undertaking the disposal, etc. of class I specified products delivers the class I specified products to a person undertaking the collection, etc. of class I specified products, including the place where the collection is performed); and inspect class I specified products disposed of by them (meaning disposal, etc. prescribed in Article 2, paragraph (8), item (iii) of the Act) and their related books and documents.
- (9) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the prefectural governor may have their personnel enter offices or places of business of a primary contractor for the specific demolition work and inspect their related books and documents.
- (10) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the prefectural governor may have their personnel enter offices or places of business of a person entrusted with the delivery of class I fluorocarbons and inspect their related books and documents.
- (11) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the prefectural governor may have their personnel: enter offices or places of business of a class I fluorocarbon filling and recovery operator that has been registered with the prefectural governor or places where the operations of filling, recovering or recycling fluorocarbons are performed; and inspect the facilities which are used for filling class I specified products with fluorocarbons, and recovering fluorocarbons with which class I specified products are filled as a refrigerant, class I fluorocarbon recycling facilities, etc. specified by order of the competent ministry pursuant to the provisions of the proviso to Article 50, paragraph (1) of the Act and their related facilities, and their related books and documents.
- (12) Pursuant to the provisions of Article 92, paragraph (1) of the Act, the prefectural governor may have their personnel enter offices or places of business of a person undertaking the collection, etc. of class I specified products and inspect class I specified products collected by them and their related books and documents.

(Delegation of Authority)

Article 7 The authority of the competent minister under the provisions of Article 93, paragraph (1) of the Act that belongs to the Minister of Land, Infrastructure and Transportation may also be exercised by a director-general of the district transport bureau, a head of Kobe District Transport Bureau, or a

head of transport branch office.

**Supplementary Provisions [Cabinet Order No. 114 of 2015]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date on which the Act Partially Amending the Act on Securing the Recovery and Destruction of Fluorocarbons Contained in Specified Products (Act No. 39 of 2013) (April 1, 2015) comes into effect.

(Partial Amendment of Cabinet Order specifying the Laws Set Forth in Schedule 8 to the Whistleblower Protection Act)

- (2) The Cabinet Order specifying the laws set forth in Schedule 8 to the Whistleblower Protection Act (Cabinet Order No. 146 of 2005) is partially amended as follows.

[Revision omitted]

**Supplementary Provisions [Cabinet Order No. 120 of 2019]**

This Cabinet Order comes into effect as of the day on which the Act Partially Amending the Act on Rational Use and Proper Management of Fluorocarbons (April 1, 2020) comes into effect.