

Order to Effectuate the Act for the Control of Export and Import of Specified Hazardous and Other Wastes

(Cabinet Order No. 282 of September 3, 1993)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 2, paragraph (1); Article 10, paragraph (3), item (i); Article 14 and Article 17 of the Act for the Control of Export and Import of Specified Hazardous and Other Wastes (Act No. 108 of 1992).

(Wastes Generated in Connection with Vessel Operations)

Article 1 Wastes generated in connection with the operations of vessels specified by the Cabinet Order set forth in Article 2, paragraph (1) of the Act for the Control of Export and Import of Specified Hazardous and Other Wastes (hereinafter referred to as "the Act") are to be as follows:

- (i) oil specified in Article 3, item (ii) and noxious liquid substances specified in item (v) of the same Article of the Act Relating to the Prevention of Marine Pollution and Maritime Disaster (Act No. 136 of 1970) that are wastes generated in connection with transportation operations, fishing operations and other normal operations of vessels; and
- (ii) wastes specified in Article 3, item (vi) of the Act Relating to the Prevention of Marine Pollution and Maritime Disaster that are generated in connection with the daily life of the vessel crew and other members aboard the vessel or in connection with transportation operations, fishing operations and other normal operations of vessels.

(Materials that Need Not Be Controlled Based on Agreements Other than the Convention)

Article 2 (1) Materials specified by the Cabinet Order set forth in Article 2, paragraph (1), item (i) of the Act are to be those materials specified by the Ministry of the Environment order as materials that need not be controlled by Japan based on the Council Decision concerning the Control of Transboundary Movements of Wastes destined for Recovery Operations of the Organization for Economic Cooperation and Development (referred to as "the Council Decision" in the following Article, paragraph (1)).

(2) The Minister of the Environment must consult with the Minister of Economy, Trade and Industry when the former intends to enact the Ministry of the Environment order set forth in the preceding paragraph.

(Materials that Need to Be Controlled Based on Agreements Other than the Convention)

- Article 3 (1) Materials specified by the Cabinet Order set forth in Article 2, paragraph (1), item (ii) of the Act are to be those materials specified by the Ministry of the Environment order as materials that need to be controlled by Japan based on the Council Decision.
- (2) The Minister of the Environment must consult with Minister of Economy, Trade and Industry when prescribing the Ministry of the Environment order referenced in the preceding paragraph.

(Provisions of the Acts Pertaining to Ensuring the Proper Implementation of Transportation or Disposal of Imported Specified Hazardous and Other Wastes)

- Article 4 The acts that are specified by the Cabinet Order set forth in Article 10, paragraph (3), item (i) of the Act (including the cases in which it is applied mutatis mutandis pursuant to Article 16 of the Act) are to be those acts listed in the middle column from row 2 through row 4 of Appended Table 1, and the provisions specified by the Cabinet Order set forth in the same item are to be those provisions listed in the respective right columns of the same Table in regard to the acts listed in the middle column of the same Table.

(Effective Period of Certification for Import Operator for the Purpose of Recycling)

- Article 5 The period specified by the Cabinet Order under Article 14, paragraph (4) of the Act (referred to as "effective period of certification for import operator" in Article 8, item (iii)) is to be five years.

(Issuance of Certificate for Import Operator for the Purpose of Recycling)

- Article 6 The Minister of Economy, Trade and Industry and the Minister of the Environment must issue a certificate pursuant to the Ministry of Economy, Trade and Industry and Ministry of the Environment joint order when a certification under Article 14, paragraph (1) of the Act, a renewal of certification under paragraph (4) of the same Article, or a certification of change under paragraph (5) of the same Article, is granted.

(Reissuance of Certificate for Import Operator for the Purpose of Recycling)

- Article 7 If a person, to whom a certificate has been issued pursuant to the provision in the preceding Article, had the certificate rendered unusable or lost, the person may have that certificate reissued by applying to the Minister of Economy, Trade and Industry and the Minister of the Environment pursuant to the Ministry of Economy, Trade and Industry and Ministry of the Environment

joint order.

(Returning of Certificate for Import Operator for the Purpose of Recycling)

Article 8 If a person to whom a certificate has been issued pursuant to the provision in Article 6 has come to fall under any of the following items, the person must promptly return the certificate (or the recovered certificate in case of item (iv)) to the Minister of Economy, Trade and Industry and the Minister of the Environment:

- (i) when the certification under Article 14, paragraph (1) of the Act has been revoked pursuant to the provision of paragraph (8) of the same Article;
- (ii) when the operation pertaining to a certification under Article 14, paragraph (1) of the Act (including a renewal of certification under paragraph (4) of the same Article or a certification for change under paragraph (5) of the same Article) was discontinued;
- (iii) when the effective period of the certification of the import operator has expired; or
- (iv) if the person has had the certificate reissued pursuant to the provision of the preceding Article, when the lost certificate has been recovered.

(Effective Period of Certification for Recycling Operator)

Article 9 The period specified by the Cabinet Order under Article 15, paragraph (4) of the Act (referred to as "effective period of certification for recycling operator" in Article 12, item (iii)) is to be five years.

(Issuance of Certificate for Recycling Operator)

Article 10 The Minister of Economy, Trade and Industry and the Minister of the Environment must issue a certificate pursuant to the Ministry of Economy, Trade and Industry and Ministry of the Environment joint order when a certification under Article 15, paragraph (1) of the Act, a renewal of certification under paragraph (4) of the same Article, or a certification of change under Article 14, paragraph (5) as applied mutatis mutandis pursuant to paragraph (5) of the Article 15 following the deemed replacement of terms, is granted.

(Reissuance of Certificate of Recycling Operator)

Article 11 If a person, to whom a certificate has been issued pursuant to the provision in the preceding Article, had the certificate rendered unusable or lost, the person may have that certificate reissued by applying to the Minister of Economy, Trade and Industry and the Minister of the Environment pursuant to the Ministry of Economy, Trade and Industry and Ministry of the Environment joint order.

(Returning of Certificate for Recycling Operator)

Article 12 If a person to whom a certificate has been issued pursuant to the provision in Article 10 has come to fall under any of the following items, the person must promptly return the certificate (or the recovered certificate in case of item (iv)) to the Minister of Economy, Trade and Industry and the Minister of the Environment:

- (i) when the certification under Article 15, paragraph (1) of the Act has been revoked pursuant to the provision of Article 14, paragraph (8) of the Act, as applied mutatis mutandis pursuant to Article 15, paragraph (5) of the Act;
- (ii) when the operation pertaining to a certification under Article 15, paragraph (1) of the Act (including a renewal of certification under paragraph (4) of the same Article or a certification for change under Article 14, paragraph (5) of the Act, as applied mutatis mutandis pursuant to Article 5, paragraph (5) of the Act following the deemed replacement of terms) was discontinued;
- (iii) when the effective period of the certification of the recycling activities operator has expired; or
- (iv) when the person has had the certificate reissued pursuant to the provision of the preceding Article, when the lost certificate has been recovered.

(Provisions of the Acts Pertaining to Ensuring the Proper Implementation of Export of Specified Hazardous and Other Wastes)

Article 13 The acts that are specified by the Cabinet Order set forth in Article 17, paragraph (1) of the Act are to be those acts listed in the middle column of Appended Table 2, and the provisions specified by the Cabinet Order set forth in the same paragraph are to be those provisions listed in the respective right columns of the same Table in regard to the acts listed in the middle column of the same Table.

(Provisions of the Acts Pertaining to Ensuring the Proper Implementation of Import of Specified Hazardous and Other Wastes)

Article 14 The acts that are specified by the Cabinet Order set forth in Article 17, paragraph (2) of the Act are to be those acts listed in the middle column of Appended Table 3, and the provisions specified by the Cabinet Order set forth in the same paragraph are to be those provisions listed in the respective right columns of the same Table in regard to the acts listed in the middle column of the same Table.

(Fees)

Article 15 The amount of fees that the persons listed in the second column of

Appended Table 4 must pay pursuant to the provision of Article 20 of the Act is to be the amount listed in the third column of the same Table (the amount listed in the fourth column of the same Table in the case of the electronic application (referring to the application using the electronic data processing system pursuant to the provisions of Article 6, paragraph (1) of the Act Concerning the Advancement of Administration through Utilization of Information and Communications Technologies (Act No. 151 of 2002); hereinafter the same applies).

Appended Table 1 (Related to Article 4)

	Law	Provisions
1	Waste Disposal and Public Cleansing Law (Law No. 137 of 1970)	Article 12, paragraph (1) or (2) ; Article 12-2, paragraph (1) or (2) ; Article 14, paragraph (12) ; Article 14-4, paragraph (12) or Article 19-3 to Article 19-6
2	Explosives Control Law (Law No. 149 of 1950)	Article 11, paragraph (2); Article 20, paragraph (2) or Article 27-2
3	Poisonous and Deleterious Substance Control Law (Law No. 303 of 1950)	Article 11, paragraph (2) or (3) ; Article 15-2 or Article 16
4	High Pressure Gas Safety Law (Law No. 204 of 1951)	Article 11, paragraph (2) (limited to the part pertaining to the storage and the transportation through pipe pertaining to manufacture of high pressure gas); Article 15, paragraph (1); Article 20-6, paragraph (1) (limited to the part pertaining to the storage and the transportation through pipe pertaining to sales of high pressure gas); Article 23 or Article 25

Appended Table 2 (Related to Article 13)

	Law	Provisions
1	Waste Disposal and Public Cleansing Law	Article 19-3 to Article 19-6
2	Explosives Control Law	Article 45 or Article 45-2, paragraph (1) (limited to the part pertaining to necessary emergency measures to prevent a disaster)
3	Poisonous and Deleterious Substance Control Law	Article 15-3
4	High Pressure Gas Safety Law	Article 39
5	Law Relating to the Prevention of Marine Pollution and Maritime Disaster	Article 39, paragraph (3) or Article 40

Appended Table 3 (Related to Article 14)

	Act	Provisions
1	Explosives Control Act	Article 45 or Article 45-2, paragraph (1) (limited to the part pertaining to necessary emergency measures to prevent a disaster)
2	Poisonous and Deleterious Substance Control Act	Article 15-3
3	High Pressure Gas Safety Act	Article 39
4	Act on Prevention of Marine Pollution and Maritime Disaster	Article 39, paragraph (3) or Article 40

Appended Table 4 (Related to Article 15)

Person who shall pay	Amount	Amount in the case of the electronic application
Person who applies for issuance of an export movement document	12,000 yen	10,600 yen
Person who applies for re-issuance of an export movement document	9,700 yen	8,300 yen
Person who applies for issuance of an import movement document	16,700 yen	15,300 yen
Person who applies for re-issuance of an import movement document	9,700 yen	8,300 yen
Person who applies for an amendment to an import movement document	17,500 yen	15,700 yen
Person who applies for a certification under Article 14, paragraph (1) of the Law or for a renewal thereof	38,100 yen	31,900 yen
Person who applies for a certification under Article 14, paragraph (5) of the Law	27,900 yen	21,700 yen
Person who applies for a certification under Article 15, paragraph (1) of the Law or for a renewal thereof	203,800 yen	197,300 yen
Person who applies for a certification under Article 14, paragraph (5) of the Law as applied mutatis mutandis pursuant to Article 15, paragraph (5) of the Law	43,500 yen	37,100 yen

Person who applies for an amendment of a movement document pursuant to the provision in Article 10, paragraph (4) of the Law, as applied mutatis mutandis pursuant to Article 16 of the Law	17,500 yen	15,700 yen
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