特定有害廃棄物等の輸出入等の規制に関する法律施行令

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

（平成五年九月三日政令第二百八十二号）

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

内閣は、特定有害廃棄物等の輸出入等の規制に関する法律（平成四年法律第百八号）第二条第一項、第十条第三項第一号、第十四条及び第十七条の規定に基づき、この政令を制定する。

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).

（船舶の航行に伴い生ずる廃棄物）

(Wastes Generated in Connection with Vessel Operations)

第一条　特定有害廃棄物等の輸出入等の規制に関する法律（以下「法」という。）第二条第一項の政令で定める船舶の航行に伴い生ずる廃棄物は、次に掲げる物とする。

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:

一　海洋汚染等及び海上災害の防止に関する法律（昭和四十五年法律第百三十六号）第三条第二号に規定する油又は同条第五号に規定する有害液体物質等であって、輸送活動、漁ろう活動その他の船舶の通常の活動に伴い生ずる不要なもの

(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

二　海洋汚染等及び海上災害の防止に関する法律第三条第六号に規定する廃棄物であって、船舶内にある船員その他の者の日常生活に伴い生ずるもの又は輸送活動、漁ろう活動その他の船舶の通常の活動に伴い生ずるもの

(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.

（条約以外の協定等に基づき規制を行う必要がない物）

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

第二条　法第二条第一項第一号の政令で定める物は、経済協力開発機構の回収作業が行われる廃棄物の国境を越える移動の規制に関する理事会決定（次条第一項において「理事会決定」という。）に基づき我が国が規制を行う必要がない物として環境省令で定める物とする。

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　環境大臣は、前項の環境省令を定めようとするときは、経済産業大臣に協議しなければならない。

(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.

（条約以外の協定等に基づき規制を行うことが必要な物）

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

第三条　法第二条第一項第二号の政令で定める物は、理事会決定に基づき我が国が規制を行うことが必要な物として環境省令で定める物とする。

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　環境大臣は、前項の環境省令を定めようとするときは、経済産業大臣に協議しなければならない。

(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.

（輸入特定有害廃棄物等の運搬又は処分の適正な実施の確保に係る法律の規定）

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

第四条　法第十条第三項第一号（法第十六条において準用する場合を含む。）の政令で定める法律は、別表第一の二の項から四の項までの中欄に掲げる法律とし、同号の政令で定める規定は、同表の中欄に掲げる法律についてそれぞれ同表の下欄に定める規定とする。

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.

（再生利用等目的輸入事業者の認定の有効期間）

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

第五条　法第十四条第四項の政令で定める期間（第八条第三号において「輸入事業者の認定の有効期間」という。）は、五年とする。

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.

（再生利用等目的輸入事業者の認定証の交付）

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

第六条　経済産業大臣及び環境大臣は、法第十四条第一項の認定、同条第四項の認定の更新又は同条第五項の変更の認定をしたときは、経済産業省令、環境省令で定めるところにより、認定証を交付しなければならない。

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.

（再生利用等目的輸入事業者の認定証の再交付）

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

第七条　前条の規定により認定証の交付を受けた者は、当該認定証を汚損し、又は失ったときは、経済産業省令、環境省令で定めるところにより、経済産業大臣及び環境大臣に申請し、その再交付を受けることができる。

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.

（再生利用等目的輸入事業者の認定証の返納）

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

第八条　第六条の規定により認定証の交付を受けた者は、次の各号のいずれかに該当することとなったときは、速やかに、当該認定証（第四号の場合にあっては、回復した認定証）を経済産業大臣及び環境大臣に返納しなければならない。

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:

一　法第十四条第八項の規定により同条第一項の認定が取り消されたとき。

(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;

二　法第十四条第一項の認定（同条第四項の認定の更新又は同条第五項の変更の認定を含む。）に係る事業を廃止したとき。

(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;

三　輸入事業者の認定の有効期間が満了したとき。

(iii) when the effective period of the certification of the import operator has expired; or

四　前条の規定により認定証の再交付を受けた場合において、その失った認定証を回復するに至ったとき。

(iv) if the person has had the certificate reissued pursuant to the provision of the preceding Article, when the lost certificate has been recovered.

（再生利用等事業者の認定の有効期間）

(Effective Period of Certification for Recycling Operator)

第九条　法第十五条第四項の政令で定める期間（第十二条第三号において「再生利用等事業者の認定の有効期間」という。）は、五年とする。

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.

（再生利用等事業者の認定証の交付）

(Issuance of Certificate for Recycling Operator)

第十条　経済産業大臣及び環境大臣は、法第十五条第一項の認定、同条第四項の認定の更新又は同条第五項において読み替えて準用する法第十四条第五項の変更の認定をしたときは、経済産業省令、環境省令で定めるところにより、認定証を交付しなければならない。

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.

（再生利用等事業者の認定証の再交付）

(Reissuance of Certificate of Recycling Operator)

第十一条　前条の規定により認定証の交付を受けた者は、当該認定証を汚損し、又は失ったときは、経済産業省令、環境省令で定めるところにより、経済産業大臣及び環境大臣に申請し、その再交付を受けることができる。

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.

（再生利用等事業者の認定証の返納）

(Returning of Certificate for Recycling Operator)

第十二条　第十条の規定により認定証の交付を受けた者は、次の各号のいずれかに該当することとなったときは、速やかに、当該認定証（第四号の場合にあっては、回復した認定証）を経済産業大臣及び環境大臣に返納しなければならない。

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:

一　法第十五条第五項において準用する法第十四条第八項の規定により法第十五条第一項の認定が取り消されたとき。

(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;

二　法第十五条第一項の認定（同条第四項の認定の更新又は同条第五項において読み替えて準用する法第十四条第五項の変更の認定を含む。）に係る事業を廃止したとき。

(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;

三　再生利用等事業者の認定の有効期間が満了したとき。

(iii) when the effective period of the certification of the recycling activities operator has expired; or

四　前条の規定により認定証の再交付を受けた場合において、その失った認定証を回復するに至ったとき。

(iv) when the person has had the certificate reissued pursuant to the provision of the preceding Article, when the lost certificate has been recovered.

（特定有害廃棄物等の輸出等の適正な実施の確保に係る法律の規定）

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

第十三条　法第十七条第一項の政令で定める法律は、別表第二の中欄に掲げる法律とし、同項の政令で定める規定は、同表の中欄に掲げる法律についてそれぞれ同表の下欄に定める規定とする。

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.

（特定有害廃棄物等の輸入等の適正な実施の確保に係る法律の規定）

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

第十四条　法第十七条第二項の政令で定める法律は、別表第三の中欄に掲げる法律とし、同項の政令で定める規定は、同表の中欄に掲げる法律についてそれぞれ同表の下欄に定める規定とする。

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.

（手数料）

(Fees)

第十五条　法第二十条の規定により別表第四の第二欄に掲げる者が納付しなければならない手数料の額は、同表の第三欄に定める金額（電子申請（情報通信技術を活用した行政の推進等に関する法律（平成十四年法律第百五十一号）第六条第一項の規定により同項に規定する電子情報処理組織を使用して行う申請をいう。以下同じ。）による場合にあっては、同表の第四欄に定める金額）とする。

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).

別表第一（第四条関係）

Appended Table 1 (Related to Article 4)

|  |  |  |
| --- | --- | --- |
|  | 法律Law | 規定Provisions |
| 一1 | 廃棄物の処理及び清掃に関する法律（昭和四十五年法律第百三十七号）Waste Disposal and Public Cleansing Law (Law No. 137 of 1970) | 第十二条第一項若しくは第二項、第十二条の二第一項若しくは第二項、第十四条第十二項、第十四条の四第十二項又は第十九条の三から第十九条の六まで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 |
| 二2 | 火薬類取締法（昭和二十五年法律第百四十九号）Explosives Control Law (Law No. 149 of 1950) | 第十一条第二項、第二十条第二項又は第二十七条の二Article 11, paragraph (2); Article 20, paragraph (2) or Article 27-2 |
| 三3 | 毒物及び劇物取締法（昭和二十五年法律第三百三号）Poisonous and Deleterious Substance Control Law (Law No. 303 of 1950) | 第十一条第二項若しくは第三項、第十五条の二又は第十六条Article 11, paragraph (2) or (3) ; Article 15-2 or Article 16 |
| 四4 | 高圧ガス保安法（昭和二十六年法律第二百四号）High Pressure Gas Safety Law (Law No. 204 of 1951) | 第十一条第二項（高圧ガスの製造に係る貯蔵及び導管による輸送に係る部分に限る。）、第十五条第一項、第二十条の六第一項（高圧ガスの販売に係る貯蔵及び導管による輸送に係る部分に限る。）、第二十三条又は第二十五条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 |

別表第二（第十三条関係）

Appended Table 2 (Related to Article 13)

|  |  |  |
| --- | --- | --- |
|  | 法律Law | 規定Provisions |
| 一1 | 廃棄物の処理及び清掃に関する法律Waste Disposal and Public Cleansing Law | 第十九条の三から第十九条の六までArticle 19-3 to Article 19-6 |
| 二2 | 火薬類取締法Explosives Control Law | 第四十五条又は第四十五条の二第一項（災害の発生を防止するための必要な応急の措置に係る部分に限る。）Article 45 or Article 45-2, paragraph (1) (limited to the part pertaining to necessary emergency measures to prevent a disaster) |
| 三3 | 毒物及び劇物取締法Poisonous and Deleterious Substance Control Law | 第十五条の三Article 15-3 |
| 四4 | 高圧ガス保安法High Pressure Gas Safety Law | 第三十九条Article 39 |
| 五5 | 海洋汚染等及び海上災害の防止に関する法律Law Relating to the Prevention of Marine Pollution and Maritime Disaster | 第三十九条第三項又は第四十条Article 39, paragraph (3) or Article 40 |

別表第三（第十四条関係）

Appended Table 3 (Related to Article 14)

|  |  |  |
| --- | --- | --- |
|  | 法律Act | 規定Provisions |
| 一1 | 火薬類取締法Explosives Control Act | 第四十五条又は第四十五条の二第一項（災害の発生を防止するための必要な応急の措置に係る部分に限る。）Article 45 or Article 45-2, paragraph (1) (limited to the part pertaining to necessary emergency measures to prevent a disaster) |
| 二2 | 毒物及び劇物取締法Poisonous and Deleterious Substance Control Act | 第十五条の三Article 15-3 |
| 三3 | 高圧ガス保安法High Pressure Gas Safety Act | 第三十九条Article 39 |
| 四4 | 海洋汚染等及び海上災害の防止に関する法律Act on Prevention of Marine Pollution and Maritime Disaster | 第三十九条第三項又は第四十条Article 39, paragraph (3) or Article 40 |

別表第四（第十五条関係）

Appended Table 4 (Related to Article 15)

|  |  |  |  |
| --- | --- | --- | --- |
|  | 納付しなければならない者Person who shall pay | 金額Amount | 電子申請による場合における金額Amount in the case of the electronic application |
| 一1 | 輸出移動書類の交付を受けようとする者Person who applies for issuance of an export movement document | 一万二千円12,000 yen | 一万六百円10,600 yen |
| 二2 | 輸出移動書類の再交付を受けようとする者Person who applies for re-issuance of an export movement document | 九千七百円9,700 yen | 八千三百円8,300 yen |
| 三3 | 輸入移動書類の交付を受けようとする者Person who applies for issuance of an import movement document | 一万六千七百円16,700 yen | 一万五千三百円15,300 yen |
| 四4 | 輸入移動書類の再交付を受けようとする者Person who applies for re-issuance of an import movement document | 九千七百円9,700 yen | 八千三百円8,300 yen |
| 五5 | 輸入移動書類の書換えを受けようとする者Person who applies for an amendment to an import movement document | 一万七千五百円17,500 yen | 一万五千七百円15,700 yen |
| 六6 | 法第十四条第一項の認定又はその更新を受けようとする者Person who applies for a certification under Article 14, paragraph (1) of the Law or for a renewal thereof | 三万八千百円38,100 yen | 三万千九百円31,900 yen |
| 七7 | 法第十四条第五項の認定を受けようとする者Person who applies for a certification under Article 14, paragraph (5) of the Law | 二万七千九百円27,900 yen | 二万千七百円21,700 yen |
| 八8 | 法第十五条第一項の認定又はその更新を受けようとする者Person who applies for a certification under Article 15, paragraph (1) of the Law or for a renewal thereof | 二十万三千八百円203,800 yen | 十九万七千三百円197,300 yen |
| 九9 | 法第十五条第五項において準用する法第十四条第五項の認定を受けようとする者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 | 四万三千五百円43,500 yen | 三万七千百円37,100 yen |
| 十10 | 法第十六条において準用する法第十条第四項の規定により移動書類の書換えを受けようとする者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 | 一万七千五百円17,500 yen | 一万五千七百円15,700 yen |