

Plant Protection Act

(Act No. 151 of May 4, 1950)

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Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to quarantine plants being imported and exported from Japan, as well as domestic plants in Japan, to prevent the outbreak of plants and animals that are harmful to plants, to eliminate them and to prevent their spread and thereby ensure the safety and growth of agricultural production.

(Definitions)

Article 2 (1) The term "plants" as used in this Act means plants that belong to flowering plants, pteridophytes or bryophytes (including their parts, seeds, fruits, and straw mats or straw bales or other processed products equivalent to those), excluding harmful plants referred to in the following paragraph.

(2) The term "harmful plants" as used in this Act means fungi, slime molds, bacteria, parasitic plants, and weeds (including their parts, seeds, and fruits), and viruses that directly or indirectly harm useful plants.

(3) The term "harmful animals" as used in this Act means insects, arthropods such as mites, invertebrates such as nematodes, or vertebrates that harm useful plants.

(4) The term "registered conformity inspection body" as used in this Act means a person that has been registered by the Minister of Agriculture, Forestry and

Fisheries pursuant to the provisions of Article 10-4, paragraph (1).

(Plant Protection Officer and Plant Protection Staff)

Article 3 (1) The Ministry of Agriculture, Forestry and Fisheries assigns plant protection officers to have them engage in plant quarantine or pest control prescribed in this Act.

(2) The Ministry of Agriculture, Forestry and Fisheries may assign plant protection staff to have them assist the functions of quarantine or pest control undertaken by the plant protection officers.

(3) A plant protection staff is a part-time employee.

(Authorities of Plant Protection Officers)

Article 4 (1) If a plant protection officer finds that there are plants or animals that are suspected to be harmful plants and harmful animals (hereinafter referred to as "suspected plants and animals" in this paragraph), or plants, soil, or agricultural machinery or other items specified by Order of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "designated items"), including their containers or packages which are likely to be infested with harmful plants or harmful animals, the officer may enter the land, storage facilities, warehouses, places of business, vessels, vehicles or aircraft, inspect the suspected plants and animals, or the plants, soil or designated items, including their containers, packages, question the persons concerned, or collect, free of charge, the minimum quantity necessary for inspection of the suspected plants and animals, or the plants, soil or designated items, including their containers or packages.

(2) If a plant protection officer finds that there are harmful plants or harmful animals as a result of the inspection under the provisions of the preceding paragraph, and if necessary to eliminate them or prevent their spread, the officer may order a person that owns or manages the relevant harmful plants or harmful animals to dispose of them, or order the person that owns or manages the relevant plants, soil or designated items, including their containers, packages, the land, storage facilities, warehouses, places of business, vessels, vehicles or aircraft to disinfect them.

(3) In the case referred to in the preceding paragraph, the provisions of Article 20, paragraph (1) apply *mutatis mutandis*.

(4) The authority to conduct on-site inspections, questions, and collections under the provisions of paragraph (1) must not be construed as being granted for a criminal investigation.

(Identification Card to be Carried and the Uniform)

Article 5 (1) If a plant protection officer or a plant protection staff conducts their

duties pursuant to the provisions of this Act, they must carry an identification card to show their status, and must present it when exercising authority under the provisions of paragraph (1) of the preceding Article, or when they are requested to do so by the person concerned.

- (2) The uniform regulation of the plant protection officers is determined by the Minister of Agriculture, Forestry and Fisheries.

Chapter II Foreign Plant Quarantine

(Quarantine Pests)

Article 5-2 (1) The term "quarantine pests" as used in this Chapter means harmful animals or harmful plants that, if spread, are likely to cause damage to useful plants, that are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those falling under any of the following items:

- (i) those that are not confirmed to be present in Japan; or
- (ii) those that are already present in some parts of Japan and for which measures have been taken to eliminate them or prevent their spread pursuant to the provisions of this Act or other laws.

- (2) If the Minister of Agriculture, Forestry and Fisheries intends to establish Order of the Ministry of Agriculture, Forestry and Fisheries under the provisions of the preceding paragraph, the Minister must seek, in advance, the opinion of persons with relevant expertise regarding the nature of harmful animals or harmful plants or other persons concerned.

(Restrictions on Imports)

Article 6 (1) Imported plants (excluding plants that are not used for cultivation and specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those having low likelihood of being infested with quarantine pests: hereinafter the same applies in this and the following paragraph) or designated items (limited to those specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those having likelihood of being infested with quarantine pests: hereinafter referred to as "designated items subject to quarantine" in this Chapter) including their containers or packages must not be imported, unless they are accompanied by a phytosanitary certificate or its copy issued by the governmental organization of the exporting country, stating that it has been confirmed and believed, as a result of the inspection, that harmful plants or animals subject to quarantine are not infested; provided, however, that this not apply to the following plants, designated items subject to quarantine, including their containers or packages:

- (i) due to the reason that plants or designated items subject to quarantine, including their containers or packages, are imported from countries where

- there is no governmental organization for plant quarantine, a meticulous inspection is conducted pursuant to the provisions of this Chapter;
- (ii) plants or designated items subject to quarantine, including their containers or packages imported from countries as prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, of which information required in the phytosanitary certificate or its copy is transmitted from the governmental organization of the relevant countries to an electronic computer (including input/output devices) utilized by the plant protection station via a telecommunications line and are recorded in a file, and stored in the electronic computer.
- (2) Plants or designated items subject to quarantine shipped from regions prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries, that are prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries as those that need to be inspected in the exporting country for not being infested with specific quarantine pests during the cultivation process of the plants or conforming to other standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries in order to accurately conduct the inspection under the provisions of Article 8, paragraph (1), must not be imported, unless they are accompanied by a phytosanitary certificate or its copy, stating that it has been confirmed and believed by the governmental organization of the exporting country that they conform to the standards as a result of the inspection, beyond what is provided for in the preceding paragraph. In this case, the provisions of the proviso to that paragraph (excluding item (i)) apply *mutatis mutandis*.
- (3) Plants, designated items subject to quarantine and import-prohibited items as prescribed in paragraph (1) of the following Article, must not be imported at any location other than the ports and airports specified by Order of the Ministry of Agriculture, Forestry and Fisheries, except in the case of importing them as postal items.
- (4) Plants, designated items subject to quarantine and import-prohibited items as prescribed in paragraph (1) of the following Article must not be imported as postal items other than small packets and parcel post, or as correspondence item prescribed in Article 2, paragraph (3) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) (referred to as the "correspondence item" in the following paragraph).
- (5) Any person that has received plants, designated items subject to quarantine or import-prohibited items as prescribed in paragraph (1) of the following Article as postal items other than small packets, and parcel post or as correspondence item must notify the plant protection station without delay accompanied by the item in question.
- (6) If Order of the Ministry of Agriculture, Forestry and Fisheries referred to in

the main clause of paragraph (1) or paragraph (2) is specified, the provisions of paragraph (2) of the preceding Article apply mutatis mutandis.

(Prohibition of Import)

Article 7 (1) It is prohibited for any person to import the following items (hereinafter referred to as the "import-prohibited items"); provided, however, that this does not apply to cases where the permission has been granted by the Minister of Agriculture, Forestry and Fisheries for providing for use of test and research, or other special purposes as specified by Order of the Ministry of Agriculture, Forestry and Fisheries (referred to as "use of test and research, etc." in the items of Article 9, paragraph (3)):

- (i) plants that are shipped from the regions specified by Order of the Ministry of Agriculture, Forestry and Fisheries or those shipped through the regions specified by Order of the Ministry of Agriculture, Forestry and Fisheries;
 - (ii) quarantine pests;
 - (iii) soil or plants attached with soil;
 - (iv) containers or packages of items set forth in the preceding items.
- (2) A person that intends to obtain permission referred to in the proviso of the preceding paragraph must apply for permission to the Minister of Agriculture, Forestry and Fisheries, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) The Minister of Agriculture, Forestry and Fisheries must not grant permission referred to in the proviso to paragraph (1) unless it is found that the facilities where the import-prohibited items pertaining to the application referred to in the preceding paragraph are managed after their importation, conform to the technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (4) If permission referred to in the proviso to paragraph (1) is granted, items must be imported with an attached document certifying that permission referred to in the proviso to that paragraph has been granted.
- (5) The method of importation, method of administration after the importation and other necessary conditions may be set on the permission referred to in the proviso to paragraph (1).
- (6) If the Minister of Agriculture, Forestry and Fisheries finds that the facilities referred to in paragraph (3) pertaining to the permission referred to in the proviso of paragraph (1) no longer conform to the technical standards referred to in the same paragraph, or if a person that has received permission referred to in the proviso to paragraph (1) has violated the conditions set pursuant to the provisions of the preceding paragraph, the Minister may revoke the permission referred to in the proviso of paragraph (1), or order the disposal of the import-prohibited items or other necessary measures to be taken.

(7) If Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the provisions of of paragraph (1), item (i) is provided for, the provisions of Article 5-2, paragraph (2) apply mutatis mutandis.

(Inspection of Imported Plants)

Article 8 (1) Any person that imports plants, designated items subject to quarantine or import-prohibited items must notify the plant protection station to that effect without delay, and must undergo an inspection by the plant protection officer on whether or not the plants, designated items subject to quarantine or the import-prohibited items, including their containers or packages in their original state, violate the provisions of Article 6, paragraphs (1) and (2), whether or not those are the import-prohibited items and whether or not there are harmful plants or animals subject to quarantine (excluding those designated by the Minister of Agriculture, Forestry and Fisheries; the same applies in paragraph (7) and the following Article); provided, however, that this does not apply in the case where they have undergone an inspection under the provisions of paragraph (3) or are imported as postal items.

(2) The inspection under the provisions of preceding paragraph is conducted at the location within the port or airport referred to in Article 6, paragraph (3) that is designated by the plant protection officer; provided, however, that if there are special circumstances, the inspection may be conducted at other locations conforming to the standards specified by the Minister of Agriculture, Forestry and Fisheries that are designated by the plant protection officer.

(3) If a plant protection officer finds it necessary to do so, the officer may conduct an inspection of imported plants or designated items subject to quarantine, including their containers or packages within a vessel or aircraft prior to the importation.

(4) If Japan Post Co., Ltd. receives small packets or parcel post that contain or are suspected to contain plants, designated items subject to quarantine or import-prohibited items at its offices where customs clearance procedures are conducted, it must notify the plant protection station to the effect without delay.

(5) If a notice referred to in the preceding paragraph is received, the plant protection officer conducts an inspection of the small packets or parcel post referred to in that paragraph. In this case, if necessary for the inspection, the postal items can be opened in the presence of the employees of Japan Post Co., Ltd.

(6) Any person that has received small packets or parcel post not undergoing an inspection under the provisions of preceding paragraph that contain plants or designated items subject to quarantine must, without delay, notify the plant protection station to that effect accompanied by the postal items and undergo

an inspection by the plant protection officer.

- (7) With regard to seeds and seedlings specified by Order of the Ministry of Agriculture, Forestry and Fisheries, if it is still necessary for a plant protection officer to determine whether or not there are harmful plants or animals subject to quarantine, as a result of the inspection under the provisions of paragraphs (1), (3), and (5) or the preceding paragraph, the officer may order the owner of the plants to grow those in isolation and may conduct inspection at the cultivation site; or the officer may voluntarily grow those in isolation, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (8) A plant protection officer may ask necessary questions to a person that has arrived on board a vessel or aircraft from a foreign country to determine whether their personal belongings (excluding items inspected pursuant to the provisions of paragraph (1) or (3)) contain plants, designated items subject to quarantine or import-prohibited items, furthermore the officer may conduct an inspection of the personal belongings as necessary.

(Disposition such as Disposal or Disinfection)

Article 9 (1) If quarantine pests are found as a result of the inspection under the provisions of the preceding Article, a plant protection officer must disinfect or dispose of the plants, designated items subject to quarantine, including their containers or packages, alternatively the officer must order the person that owns or manages them to disinfect or dispose of them in the presence of the plant protection officer.

- (2) A plant protection officer may disinfect or dispose of plants, or designated items subject to quarantine, including their containers or packages imported in violation of the provisions of Article 6, paragraphs (1) through (5), or paragraph (1) or (6) of the preceding Article, alternatively the officer may order a person in possession of these items to disinfect or dispose of them in the presence of the plant protection officer. In the case of a violation against an order to grow those in isolation pursuant to the provisions of paragraph (7) of that Article, the same applies to plants pertaining to the violation.
- (3) If there are import-prohibited items imported in violation of the provisions of Article 7, paragraph (1), the plant protection officer disposes of them; provided, however, that this does not apply in the following cases:
- (i) when a plant protection officer utilizes the import-prohibited items for use of test and research, etc.;
 - (ii) when transferring import-prohibited items to a person that has obtained the permission from the Minister of Agriculture, Forestry and Fisheries concerning the utilization of the import-prohibited items for use of test and research, etc., with the intention of having the person use them in accordance with the granted permission.

- (4) A person that has imported import-prohibited items in violation of the provisions of Article 7, paragraph (1), may not obtain the permission referred to in item (ii) of the preceding paragraph for the relevant import-prohibited items.
- (5) If a plant protection officer finds, as a result of the inspection under the preceding Article, that the plants or designated items subject to quarantine, including their containers or packages do not violate the provisions of Article 6, paragraphs (1) and (2) and do not fall under import-prohibited items, and they are free from harmful plants or animals subject to quarantine, the officer must certify that they have passed the inspection.
- (6) The provisions of Article 7, paragraphs (2), (3), (5), and (6) apply mutatis mutandis to the permission referred to in paragraph (3), item (ii). In this case, "after the importation" in paragraph (3) of that Article is deemed to be replaced with "after the transfer", and "the method of importation, method of administration after the importation" in paragraph (5) of that Article is deemed to be replaced with "the method of administration after the transfer".

(Inspection of Export Plants)

- Article 10 (1) Any person intending to export plants or items, including their containers or packages, for which the importing country requires a phytosanitary certificate from the exporting country, must not proceed with the export, until after they undergo an inspection by the plant protection officer to confirm all requirements of the importing country are met, and the phytosanitary certificate referred to in paragraph (3) has been issued.
- (2) The inspection under the provisions of the preceding paragraph is conducted at a plant protection station; provided, however, that if a plant protection officer finds it necessary, the inspection may be conducted at the site where the plants or items are located.
 - (3) If a plant protection officer finds that the plants or items, including their containers or packages meet all of the requirements of the importing country, as a result of the inspection under the provisions of paragraph (1), the plant protection officer must issue a phytosanitary certificate.
 - (4) If a plant protection officer finds it necessary to respond to the request from the importing country, the officer may conduct a more detailed inspection of the items for which a phytosanitary certificate has been issued under the preceding paragraph.
 - (5) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, a plant quarantine officer may decide not to conduct a part of the inspection under the provisions of paragraph (1) or the preceding paragraph for the plants or items, including their containers or packages which a registered conformity inspection body has confirmed to meet the requirements of the importing

country in the inspection relating to registration under the provisions of paragraph (1) of Article 10-4, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

- (6) A plant protection officer may ask necessary questions to a person departing from Japan to ascertain whether any of their personal belongings (excluding items inspected under paragraph (1)) contain items prescribed in that paragraph, as well as inspect these personal belongings as necessary.

(Registration of Registered Conformity Inspection Body)

Article 10-2 A person intending to obtain a registration as a registered conformity inspection body (hereinafter simply referred to as "registration" in this Chapter) must apply for registration to the Minister of Agriculture, Forestry and Fisheries in accordance with the following inspection categories, pursuant to Order of the Ministry of Agriculture, Forestry and Fisheries:

- (i) inspection at the plants' cultivation site;
- (ii) inspection for disinfection;
- (iii) genetic testing and other inspections requiring advanced technology;
- (iv) visual inspection of plants, items, including their containers or packages;
- (v) other inspections as prescribed by Order of Ministry of Agriculture, Forestry and Fisheries.

(Disqualification Clause)

Article 10-3 A person that falls under any of the following items is not eligible to be registered:

- (i) a person that has violated this Act or any disposition based on this Act, was sentenced to a fine or severer punishment, and two years have not yet passed since the completion of the sentence or from the date when the person ceased to be subject to its enforcement;
- (ii) a person whose registration was canceled pursuant to the provisions of Article 10-15, paragraphs (1) through (3) and two years have not passed since the date of the cancellation (if the person whose registration was canceled is a legal person, including an officer that was conducting the business of the legal person relating to the cancellation within thirty days prior to the date of cancellation and two years have not passed since the date of cancellation); or
- (iii) a legal person where any officer conducting its business falls under either of the preceding two items.

(Criteria for Registration)

Article 10-4 (1) If a person that has applied for the registration pursuant to the provisions of Article 10-2 meets all of the following requirements, the Minister

of Agriculture, Forestry and Fisheries must register the person. In this case, the necessary procedures for registration are specified by Order of the Ministry of Agriculture, Forestry and Fisheries:

- (i) inspections related to registration (hereinafter simply referred to as "inspections" in this Chapter (excluding Article 11, paragraph (1))) must be conducted by a person specified by Order of the Ministry of Agriculture, Forestry and Fisheries as having the knowledge and skills necessary to properly conduct the inspections;
 - (ii) inspections must be conducted using machinery, equipment, and other facilities that conform to the technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries;
 - (iii) a system that conforms to the standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries as necessary to ensure the fair implementation of operations of inspections (hereinafter referred to as "inspection operations") must be established.
- (2) The registration is made by recording the following details in a register.
- (i) date and number of registration;
 - (ii) name and address of the registered conformity inspection body, and in the case of a legal person, the name of the representative;
 - (iii) category of inspections conducted by the registered conformity inspection body;
 - (iv) location of the main office of registered conformity inspection body; and
 - (v) beyond what is set forth in the preceding items, details specified by Order of Ministry of Agriculture, Forestry and Fisheries.
- (3) If the Minister of Agriculture, Forestry and Fisheries has made a registration, the Minister must issue public notice giving the details set forth in the items of the preceding paragraph without delay.

(Renewal of Registration)

- Article 10-5 (1) A registration ceases to be effective after the expiration of a period unless it is renewed within each of the period of not less than three years specified by Cabinet Order.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to a renewal of registration referred to in the preceding paragraph.
- (3) If a registration expires pursuant to the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must issue public notice to that effect without delay.

(Registration of Change)

- Article 10-6 (1) If a registered conformity inspection body intends to change the particular set forth in Article 10-4, paragraph (2), item (iii) , it must obtain a

registration of change.

- (2) A person that intends to obtain a registration of change referred to in the preceding paragraph (hereinafter simply referred to as "registration of change" in this Article and Article 10-15, paragraph (2), item (v)) must apply for a registration of change to the Minister of Agriculture, Forestry and Fisheries, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) The provisions of Articles 10-3 and 10-4 apply mutatis mutandis to a registration of change.

(Obligation of Inspection)

- Article 10-7 (1) If a registered conformity inspection body is requested to conduct inspections, it must conduct the inspections without delay except for the case where there are reasonable grounds not to.
- (2) A registered conformity inspection body must conduct inspections impartially and in accordance with the technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Notification of a Change in Registered Information)

- Article 10-8 (1) If a registered conformity inspection body intends to change any of the matters set forth in Article 10-4, paragraph (2), item (ii), (iv), or (v), it must notify the Minister of Agriculture, Forestry and Fisheries by no later than at least two weeks prior to the intended date of change.
- (2) If a notification under the provisions of the preceding paragraph has been made, the Minister of Agriculture, Forestry and Fisheries must provide public notice to that effect without delay.

(Operational Rules)

- Article 10-9 (1) A registered conformity inspection body must establish rules for inspection operations (hereinafter referred to as the "operational rules" in this Chapter) and obtain approval from the Minister of Agriculture, Forestry and Fisheries before the start of inspection operations. The same applies if the body intends to change them.
- (2) The operational rules must provide for the method of conducting the inspections, the method of calculating inspection fees, and other matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Suspension and Discontinuance of Operations)

- Article 10-10 (1) A registered conformity inspection body must not suspend or discontinue the whole or part of its inspection operations without permission of the Minister of Agriculture, Forestry and Fisheries.
- (2) If the Minister of Agriculture, Forestry and Fisheries has granted permission

under the provisions of the preceding paragraph, the Minister must issue public notice to that effect without delay.

(Keeping and Inspection of Financial Statements)

Article 10-11 (1) A registered conformity inspection body must prepare, within three months following the end of each business year, an inventory of assets, a balance sheet, a profit and loss statement or an income and expenditure statement, and a business report for the business year (if an electronic or magnetic record (meaning a record used in computerized information processing which is created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies hereinafter in this Article) is prepared in lieu of these documents, the electronic or magnetic record is included; these documents are referred to as "financial statements, etc." in items (i) and (iii) of the following paragraph and Article 45) and retain them in its office for five years.

(2) A person prescribed in Article 10, paragraph (1) and other interested persons may make the following requests at any time during the business hours of a registered conformity inspection body; provided, however, that for the request referred to in item (ii) or (iv), one must pay expenses set by the registered conformity inspection body:

- (i) a request to inspect or copy the financial statements, etc., if they are prepared in writing;
- (ii) a request for the transcript or extract of the documents referred to in the previous item;
- (iii) if the financial statements, etc. are recorded in electronic or magnetic record, a request to inspect or copy the information recorded in the electronic or magnetic record that are displayed by the method specified by Order of the Ministry of Agriculture, Forestry and Fisheries;
- (iv) a request to be provided with information recorded in an electronic or magnetic record referred to in the preceding item by electronic or magnetic means (meaning means using an electronic data processing system or other information and communications technology as specified by Order of the Ministry of Agriculture, Forestry and Fisheries) or a request to be issued a document stating the information.

(Duty of Confidentiality)

Article 10-12 (1) A registered conformity inspection body (if the body is a legal person, its officers; the same applies in the following paragraph), its employees, and those that used to be such persons, must not divulge any secret obtained in connection with its inspection operations or use the same for the persons' own benefit.

(2) A registered conformity inspection body and its employees that are engaged in inspection operations, are deemed to be personnel engaged in public services under laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Order to Comply)

Article 10-13 If the Minister of Agriculture, Forestry and Fisheries finds that a registered conformity inspection body has ceased to comply with any of the requirements set forth in the items of Article 10-4, paragraph (1), the Minister may order the body to take necessary measures to comply with those requirements.

(Order for Improvement)

Article 10-14 (1) If the Minister of Agriculture, Forestry and Fisheries finds that a registered conformity inspection body is in violation of the provisions of Article 10-7 or if the inspections conducted by the body are found inappropriate, the Minister may order the body to conduct inspections or to take necessary measures to improve inspection methods or other operation procedures.

(2) If the Minister of Agriculture, Forestry and Fisheries finds that the operational rules that the Minister approved under Article 10-9, paragraph (1) have become inappropriate for the fair implementation of inspection operations, the Minister may order to change the operational rules.

(Rescission of Registration)

Article 10-15 (1) If a registered conformity inspection body has become to fall under any of the items of Article 10-3, the Minister of Agriculture, Forestry and Fisheries must rescind its registration.

(2) If a registered conformity inspection body falls under any of the following items, the Minister of Agriculture, Forestry and Fisheries may rescind its registration or order to suspend whole or part of the inspection operations for a specified period not exceeding one year:

- (i) if there is a violation of the provisions of Article 10-7, Article 10-8, paragraph (1), Article 10-9, paragraph (1), Article 10-10, paragraph (1), Article 10-11, paragraph (1), or the following Article;
- (ii) if the inspection operations are performed not in accordance with the operational rules approved under the provisions of Article 10-9, paragraph (1);
- (iii) if a request under the provisions of Article 10-11, paragraph (2) is refused without reasonable grounds;
- (iv) if there is a violation of an order under the provisions of the preceding two Articles; or

- (v) if a registration, its renewal, or modification is made through wrongful means.
- (3) Beyond the cases prescribed in the preceding two paragraphs, the Minister of Agriculture, Forestry and Fisheries may rescind the registration of a registered conformity inspection body if the body does not commence its inspection operations even after one year passed from the date of its registration, or the body continuously suspends its inspection operations for one year or more without reasonable grounds.
- (4) If the Minister of Agriculture, Forestry and Fisheries has made the dispositions under the provisions of the preceding three paragraphs, the Minister must issue public notice to that effect without delay.

(Bookkeeping)

Article 10-16 A registered conformity inspection body must keep books, state the matters related to the inspection operations, and preserve them, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Prohibition of Misleading Acts by Persons Other Than Conformity Inspection Bodies)

Article 10-17 No person other than a registered conformity inspection body must make any indication, advertisement, or engage in any other acts that could potentially mislead a person into believing that the operations conducted by the person are related to inspections.

(Collection of Reports from Registered Conformity Inspection Bodies)

- Article 10-18 (1) The Minister of Agriculture, Forestry and Fisheries may request a registered conformity inspection body to make necessary reports or to submit books, documents, or other items; the Minister may have their employees enter the office of the registered conformity inspection body, or other locations such as offices where inspection operations are conducted, and inspect the status of inspection operations, or books, documents or other items, or ask questions to its employees or other persons concerned, to the extent necessary for the enforcement of the provisions of Article 10 through the preceding Article.
- (2) An employee that conducts an on-site inspection or questions pursuant to the provisions of the preceding paragraph, must carry an identification card and present it to the persons concerned.
- (3) The provisions of Article 4, paragraph (4), apply mutatis mutandis to on-site inspections and questions under the provisions of paragraph (1).

(Delegation Provisions)

Article 11 (1) Beyond what is provided for in this Chapter, the procedures and method of inspection, as well as the standards for dispositions that are imposed according to the result of the inspection, are specified and publicized by the Minister of Agriculture, Forestry and Fisheries.

(2) In the case referred to in the preceding paragraph, the provisions of Article 5-2, paragraph (2) apply *mutatis mutandis*.

Chapter III Domestic Plant Quarantine

(Domestic Quarantine)

Article 12 In order to prevent the spread of harmful plants or harmful animals that have newly invaded or are already present in some parts of Japan, the Minister of Agriculture, Forestry and Fisheries is to conduct quarantine measures pursuant to the provisions of this Chapter.

(Inspection of Seeds and Seedlings)

Article 13 (1) A person that cultivates plants for propagation designated by the Minister of Agriculture, Forestry and Fisheries (hereinafter referred to as "designated seeds and seedlings") (hereinafter referred to as "seed and seedling producer"), must annually undergo an inspection by a plant protection officer at the cultivation site while those plants are still growing.

(2) If a plant protection officer finds that the objective of eliminating harmful plants or harmful animals or preventing the spread of those plants or animals cannot be achieved solely by conducting an inspection referred to in the preceding paragraph, the officer may also conduct an inspection of the designated seeds or seedlings before cultivation or after harvesting.

(3) If a plant protection officer finds, as a result of the inspection under the provisions of paragraph (1) or the preceding paragraph, that the designated seeds and seedlings are free from harmful plants or harmful animals designated by the Minister of Agriculture, Forestry and Fisheries, the officer must issue an inspection certificate to the seed and seedling producer.

(4) Designated seeds and seedlings must not be transferred, entrusted to transfer, or moved outside the district of the prefecture in which the cultivation site inspected is located, unless an inspection certificate referred to in the preceding paragraph, or its transcript or extract copy issued by the plant protection officer is attached to the designated seeds or seedlings.

(5) If a plant protection officer finds that there are harmful plants or harmful animals referred to in paragraph (3) as a result of the inspection under the provisions of paragraph (1) or (2), the officer must suspend the inspection, and provide the seed and seedling producer with the instruction on the particulars that are found to be necessary to eliminate the harmful plants or harmful

animals or prevent their spread, either orally or in writing.

- (6) If a seed and seedling producer that has received the instruction referred to in the preceding paragraph has taken necessary measures to eliminate or prevent the harmful plants or animals in accordance with the instruction, the producer may request the plant protection officer to continue the inspection of the designated seeds or seedlings prescribed in paragraph (1) or (2).
- (7) If the designation referred to in paragraph (1) is made, the provisions of Article 5-2, paragraph (2) apply *mutatis mutandis*.

(Disposal of Plants)

Article 14 A plant protection officer may order a person in possession of designated seeds and seedlings which have been transferred, entrusted to transfer, or moved from the cultivation site in violation of the provisions of paragraph (4) of the preceding Article, to dispose of them; alternatively, the officer may voluntarily dispose them.

(Collection of Fee and Delegation Provisions)

- Article 15 (1) The Minister of Agriculture, Forestry and Fisheries may collect the amount of fees, specified by Order of the Ministry of Agriculture, Forestry and Fisheries within a scope not exceeding the actual cost of the inspection, from a person that undergoes an inspection pursuant to the provisions of Article 13, paragraph (1).
- (2) The provisions of Article 11 apply *mutatis mutandis* to the inspection referred to in Article 13, paragraph (1) or (2).

(Exclusion from Application)

- Article 16 The provisions of Article 12 through the preceding Article do not apply to the following designated seeds and seedlings:
- (i) designated seeds and seedlings produced in the regions designated by the Minister of Agriculture, Forestry and Fisheries;
 - (ii) designated seeds and seedlings produced by the prefectural government or the National Agriculture and Food Research Organization, and inspected by themselves in accordance with the standards established by the Minister of Agriculture, Forestry and Fisheries;
 - (iii) designated seeds and seedlings, produced by the seed and seedling producer within the district of the same prefecture for their own propagation.

(Restrictions on Transfer of Plants)

Article 16-2 (1) Plants or designated items located within the region that are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those necessary to limit their movement to other regions in order to prevent

the spread of harmful plants or harmful animals, including their containers or packages, must not be transferred to other regions, except for cases specified by Order of the Ministry of Agriculture, Forestry and Fisheries, unless a plant protection officer certifies, based on the result of the inspection conducted by the officer, that they are not infested with harmful plants or harmful animals, and a label indicating that the plants are disinfected in accordance with the standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries is attached to those, pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) If Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the preceding paragraph is specified, the provisions of Article 5-2, paragraph (2) apply mutatis mutandis.

(Prohibition on Transfer of Plants)

Article 16-3 (1) Plants, harmful plants, harmful animals, or soil located within the region that are specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those necessary to prohibit harmful plants or harmful animals them from being transferred to other regions in order to prevent their spread, including their containers or packages, must not be transferred to other regions; provided, however, that this does not apply if the Minister of Agriculture, Forestry and Fisheries grants permission for their use in test and research.

- (2) If Order of the Ministry of Agriculture, Forestry and Fisheries referred to in the preceding paragraph is specified, the provisions of Article 5-2, paragraph (2) apply mutatis mutandis, and the provisions of Article 7, paragraphs (2) through (6) apply mutatis mutandis to the case referred to in the proviso to the preceding paragraph. In this case, "import-prohibited items after the importation" in paragraph (3) of that Article is deemed to be replaced with "plants, harmful animals or harmful plants, or soil, including their containers or packages after the transfer", and "must be imported" in paragraph (4) of that Article is deemed to be replaced with "must be transferred", and "method of importation, method of administration after the importation" in paragraph (5) of that Article is deemed to be replaced with "method of transfer, method of administration after the transfer" and "import-prohibited items" in paragraph (6) of the Article is deemed to be replaced with "plants, harmful animals or harmful plants, or soil, including their containers or packages".

(Prohibition on Loading Plants on Vessels)

Article 16-4 If a plant protection officer finds it necessary to prevent the transfer of plants, designated items, harmful plants or harmful animals or soil, including their containers or packages in violation of the provisions of Article

16-2, paragraph (1) or paragraph (1) of the preceding Article, the officer may order a person that owns or manages those items not to load nor bring those on vessels, vehicles or aircraft, alternatively, order the person to unload these items which were loaded or brought on vessels, vehicles or aircraft.

(Disinfection or Disposal)

Article 16-5 A plant protection officer may order a person in possession of plants, designated items, harmful plants, harmful animals, soil, and their containers or packages of plants that have been transferred in violation of the provisions of Article 16-2, paragraph (1) or Article 16-3, paragraph (1) to disinfect or dispose of them or may voluntarily disinfect or dispose of them.

Chapter III-2 Invasion Survey

(Harmful Plants and Animals to Alert Invasion into Japan)

Article 16-6 The term "harmful plants and animals to alert invasion into Japan" as used in this Chapter means harmful animals or harmful plants that, if spread, are likely to harm useful plants or hinder the export of useful plants, that are designated by the Minister of Agriculture, Forestry and Fisheries as those falling under any of the following items:

- (i) those that are not confirmed to be present in Japan and for which it is necessary to take special precautions to prevent their invasion into Japan; or
- (ii) those that are already present in some parts of Japan and for which it is necessary to take special precautions to prevent their invasion into other regions of Japan.

(Invasion Survey Program)

Article 16-7 (1) The Minister of Agriculture, Forestry and Fisheries is to conduct the program of surveying the state of invasion or distribution of harmful plants and animals to alert invasion into Japan within Japan (hereinafter referred to as "invasion survey program").

- (2) The prefectural governments must cooperate with the invasion survey program in accordance with the plan established by the Minister of Agriculture, Forestry and Fisheries with the consent of prefectural governments.

(Obligation to Report)

Article 16-8 Any person that confirms that harmful plants and animals to alert invasion into Japan have newly invaded or are likely to spread in Japan must, without delay, notify the director general of the plant protection station or the prefectural governor to that effect.

Chapter IV Emergency Pest Control

(Pest Control)

Article 17 (1) If harmful plants or harmful animals that have newly invaded or are already present in some parts of Japan, are likely to spread and cause serious damage to useful plants or hinder the export of these plants, the Minister of Agriculture, Forestry and Fisheries is to implement control measures pursuant to the provisions of this Chapter, if it is found to be necessary to prevent them or eliminate their spread; however, this does not apply if the control for forest pests, etc. is conducted, as provided for separately by law.

(2) In order to carry out pest control under the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must issue a public notice on the following particulars no later than thirty days prior to the implementation:

- (i) district and period subject to pest control;
- (ii) types of harmful animals or harmful plants;
- (iii) details of pest control;
- (iv) other necessary information for the implementation of pest control.

(Standards to Implement Emergency Pest Control)

Article 17-2 (1) The Minister of Agriculture, Forestry and Fisheries may establish standards for the implementation of pest control under the provisions of paragraph (1) of the preceding Article (hereinafter referred to as the "standard to implement emergency pest control" in this Article) for harmful animals or harmful plants which are subject to pest control under the provisions of that paragraph and specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those which, if they spread, are highly likely to cause serious damage to useful plants and the details of pest control to be implemented are clear.

(2) The standards to implement emergency pest control are to specify the following matters:

- (i) types of harmful animals or harmful plants;
 - (ii) methods of investigation concerning the outbreak status of harmful animals or harmful plants;
 - (iii) details of pest control; and
 - (iv) other necessary information for the implementation of pest control.
- (3) If the Minister of Agriculture, Forestry and Fisheries intends to establish or change the standards to implement emergency pest control, the Minister must seek the opinions of persons with relevant expertise concerning the nature of harmful animals or harmful plants.

- (4) If the Minister of Agriculture, Forestry and Fisheries has established or changed the standards to implement emergency pest control, the Minister is to publicize them without delay.
- (5) If the Minister of Agriculture, Forestry and Fisheries implements the pest control under the provisions of paragraph (1) of the preceding Article in accordance with the standards to implement emergency pest control, the Minister may shorten the period referred to in paragraph (2) of that Article to ten days notwithstanding the provisions of that paragraph.

(Details of Pest Control)

Article 18 (1) The Minister of Agriculture, Forestry and Fisheries may issue the following orders to the extent necessary to conduct the pest control under the provisions of Article 17, paragraph (1):

- (i) to restrict or prohibit a person that cultivates plants that are infested or likely to be infested with harmful plants or harmful animals, from cultivating the plants;
 - (ii) to restrict or prohibit the transfer or relocation of harmful animals or harmful plants, or plants, soil, agricultural machinery, conveyers or other items, including their containers or packages that are infested or likely to be infested with harmful plants or harmful animals;
 - (iii) to order a person that owns or manages harmful animals or harmful plants, or plants, soil, including their containers or packages that are infested or likely to be infested with harmful plants or harmful animals, to take necessary measures including disinfection, elimination, or disposal of those items; and
 - (iv) to order a person that owns or manages agricultural machinery, conveyers, other items, warehouses, or other facilities that are infested or likely to be infested with harmful plants or harmful animals, to take necessary measures including disinfections.
- (2) In the case referred to in Article 17, paragraph (1), and if the number of days under the provisions of paragraph (2) of that Article or paragraph (5) of the preceding Article is insufficient due to the urgent need to conduct the pest control, the Minister of Agriculture, Forestry and Fisheries may, to the extent necessary, issue an order referred to in the items of the preceding paragraph or may have the plant protection officer take necessary measures including to disinfect, eliminate, or dispose of harmful animals or harmful plants, or plants, soil, including their containers or packages that are infested or likely to be infested with harmful animals or harmful plants; or take necessary measures including to disinfect agricultural machinery, conveyers or other items or warehouses or other facilities that are infested or likely to be infested harmful animals or harmful plants, without issuing a public notice under the provisions

of Article 17, paragraph (2).

(Instruction to Request for Cooperation)

Article 19 (1) If it is necessary to conduct the pest control under the provisions of Article 17, paragraph (1), the Minister of Agriculture, Forestry and Fisheries may instruct local governments, organizations formed by farmers, or pest control operators to cooperate on the pest control operations.

(2) In the case referred to in the preceding paragraph, a written instruction requesting cooperation must be issued.

(3) If the pest control is conducted in accordance with the instructions under the provisions of paragraph (1), the national government must compensate the cost.

(Compensation for Loss)

Article 20 (1) The national government must compensate a person that has suffered losses due to the disposition referred to in Article 18, for the losses that would ordinarily result from the disposition.

(2) A person that intends to receive the compensation pursuant to the provisions of the preceding paragraph must submit a written application stating the estimated amount of compensation to the Minister of Agriculture, Forestry and Fisheries.

(3) If an application referred to in the preceding paragraph is filed, the Minister of Agriculture, Forestry and Fisheries must decide the amount to be compensated and notify the applicant of the amount without delay.

(4) In order to determine the amount of compensation pursuant to the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must select three appraisers including at least one farmer that come from the same district and seek their opinion.

(5) The compensation-related disposition under the provisions of paragraph (1) must be implemented within the scope in which the total amount of compensation required for the disposition does not exceed the amount of budget approved by the Diet.

(6) Any person dissatisfied with the decision regarding the amount of compensation referred to in paragraph (3) may request an increase in that amount by filing an action within six months from the day the person received the notice of decision.

(7) In the case of action referred to in the preceding paragraph, the national government is the defendant.

(Obligation to Report)

Article 21 If a prefectural governor finds that harmful plants or harmful animals that have newly invaded or are already present in some parts of Japan, are

likely to spread and cause serious damage to useful plants, the governor must report the Minister of Agriculture, Forestry and Fisheries to that effect.

Chapter V Pest Control for Plants and Animals Designated as Harmful Species

(Definition)

Article 22 (1) The term "plants and animals designated as harmful species" as used in this Chapter and the following Chapter means harmful animals or harmful plants that are designated by the Minister of Agriculture, Forestry and Fisheries as those for which special countermeasures are required for the pest control since the distribution in Japan is not isolated or not likely to be isolated, and tend to spread quickly and cause serious damage to crops.

(2) The term "integrated pest management" as used in this Chapter means pest control for harmful animals and harmful plants that is conducted by comprehensively taking necessary measures in order to control their occurrence and proliferation, as well as eliminate them and prevent their spread in the event of their outbreak, in a timely and cost-effective manner.

(Basic Guidelines for Integrated Pest Management)

Article 22-2 (1) The Minister of Agriculture, Forestry and Fisheries is to establish basic guidelines for promoting integrated pest management of plants and animals designated as harmful species (hereinafter referred to as "basic guidelines for integrated pest management").

(2) In the basic guidelines for integrated pest management, the following matters are to be specified:

- (i) significance and basic direction of promoting integrated pest management for plants and animals designated as harmful species;
- (ii) basic matters concerning the details of integrated pest management for each type of plants and animals designated as harmful species;
- (iii) basic matters concerning the matters to be observed by farmers with respect to the methods of preventing the occurrence for each type of plants and animals designated as harmful species, eliminating them and preventing their spread in the event of their outbreak;
- (iv) matters concerning the plants and animals designated as harmful species subject to the pest forecasting program prescribed in Article 23, paragraph (1), as well as other matters related to the pest forecasting program;
- (v) matters concerning the standards for during abnormal outbreaks prescribed in Article 24, paragraph (1);
- (vi) basic matters concerning the details of pest control during abnormal outbreaks prescribed in Article 24, paragraph (1);

- (vii) other necessary matters.
- (3) The Minister of Agriculture, Forestry and Fisheries is to review the basic guidelines for integrated pest management at least every five years, considering the latest scientific knowledge, and the status and trends of outbreak of the plants and animals designated as harmful species in Japan, and to change them if the Minister finds it necessary.
- (4) If the Minister of Agriculture, Forestry and Fisheries intends to establish or change the basic guidelines for integrated pest management, the Minister must seek the opinions of prefectural governors and persons with relevant expertise concerning the nature of harmful animals or harmful plants.
- (5) If the Minister of Agriculture, Forestry and Fisheries has established or changed the basic guidelines for integrated pest management, the Minister must publicize and notify the prefectural governors of them without delay.

(Plan for Integrated Pest Management)

- Article 22-3 (1) A prefectural governor is to establish a plan for implementing integrated pest management of plants and animals designated as harmful species (hereinafter referred to as the "plan for integrated pest management") in line with the basic guidelines for integrated pest management, and in accordance with the actual conditions of the region.
- (2) A plan for integrated pest management is to specify the following matters:
 - (i) basic matters concerning the implementation of integrated pest management of plants and animals designated as harmful species;
 - (ii) details of integrated pest management for each type of plants and animals designated as harmful species;
 - (iii) matters concerning the details and implementation system for pest control during abnormal outbreaks prescribed in Article 24, paragraph (1);
 - (iv) matters concerning the implementation system of guidance relating to the pest control of plants and animals designated as harmful species and coordination with municipalities and bodies organized by farmers or other bodies related to agriculture; and
 - (v) other necessary matters.
 - (3) If a prefectural governor finds that it necessary in order to prevent the spread of plants and animals designated as harmful species, the governor may include in the plan for integrated pest control, in addition to the matters set forth in items of the preceding paragraph, the matters to be observed by farmers concerning the methods of preventing the occurrence of each type of plants and animals designated as harmful species, eliminating them or preventing their spread in the event of their outbreak (including those relating to pest control during abnormal outbreak prescribed in Article 24, paragraph (1); referred to as the "matters to be observed" in Article 24-2 and Article 24-3, paragraph (1)).

- (4) If a prefectural governor intends to establish or change the plan for integrated pest management, the governor must endeavor to hear the opinions of the mayors of related municipalities and bodies organized by farmers or other bodies related to agriculture.
- (5) If a prefectural governor has established or changed the plan for integrated pest management, the governor must make publicize it, and report it to the Minister of Agriculture, Forestry and Fisheries, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries without delay.

(Pest Forecasting Program Conducted by the National Government)

Article 23 (1) The Minister of Agriculture, Forestry and Fisheries is to conduct the pest forecasting program (meaning a project of conducting research on the status of the propagation of harmful plants or harmful animals, the weather, and crop growth, etc., then forecasting the occurrence of damages to crops caused by harmful animals and harmful plants, and providing information based on them to the persons concerned, in order to make pest control of harmful animals and harmful plants conducted in a timely and cost-effective manner; the same applies hereinafter), based on the basic guidelines for integrated pest management.

- (2) The prefectural governments must cooperate with the pest forecasting program under the provisions of the preceding paragraph in accordance with the plan established by the Minister of Agriculture, Forestry and Fisheries with the consent of the prefectural governments.

(Pest Control During Abnormal Outbreaks)

Article 24 (1) Based on the data obtained through the pest forecasting program under the provisions of paragraph (1) of the preceding Article or considering other circumstances, if abnormal outbreaks of plants and animals designated as harmful species is found (hereinafter referred to as "during abnormal outbreaks"), and if the Minister of Agriculture, Forestry and Fisheries finds it particularly necessary to prevent their rapid spread, the Minister may instruct the relevant prefectural governors to take measures concerning pest control of the plants and animals designated as harmful species during abnormal outbreaks (hereinafter referred to as the "pest control during abnormal outbreaks"), in accordance with the basic guidelines for integrated pest management and the prefecture's plan for integrated pest management.

- (2) If a prefectural governor receives the instruction under the provisions of the preceding paragraph, the governor must promptly specify the area, time period, and other necessary details, for conducting the pest control during abnormal outbreaks for the plants and animals designated as harmful species, in accordance with the basic guidelines for integrated pest management and the

prefecture's plan for integrated pest management.

- (3) If a prefectural governor specifies or changes the matters prescribed in the preceding paragraph, the governor must promptly issue a public notice and report to the Minister of Agriculture, Forestry and Fisheries to that effect.

(Guidance and Advice)

Article 24-2 If a prefectural governor specifies the matters to be observed pursuant to the provisions of Article 22-3, paragraph (3), and if it is necessary to ensure that pest control of the plants and animals designated as harmful species is properly conducted, the governor is to provide farmers with guidance and advice necessary for conducting pest control in accordance with the matters to be observed.

(Recommendations and Orders)

Article 24-3 (1) If a prefectural governor has provided guidance or advice under the provisions of the preceding Article, and finds that the spread of plants and animals designated as harmful species is likely to cause serious damage to crops because the pest control is still not conducted in accordance with the matters to be observed, (if the pest control is not conducted in accordance with the matters to be observed relating to pest control during abnormal outbreaks, the case where it is found to be necessary to prevent rapid spread of plants and animals designated as harmful species), the governor may recommend the farmer to conduct the pest control in accordance with the matters to be observed within a specified time limit by presenting a document stating the particulars to be improved and other methods specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

- (2) If a person that has received the recommendation under the preceding paragraph does not follow the recommendation without reasonable grounds, the prefectural governor may, if finding particularly necessary, order that person to take measures related to the recommendation within a specified time limit by presenting a document stating the particulars to be improved and other methods specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(On-site Inspections)

Article 24-4 (1) To the extent necessary for the enforcement of the provisions of the preceding two Articles, a prefectural governor may have their employee enter the cultivation site of crops, conduct necessary investigations, or ask questions to the persons concerned. In such cases, the employee must notify the possessor of the cultivation site in advance.

- (2) The provisions of Article 10-18, paragraph (2) apply mutatis mutandis to the

employees intending to enter the cultivation site of crops pursuant to the provisions of preceding paragraph.

(Subsidies for Chemicals and Equipment for Pest Control)

Article 25 (1) The national government may provide subsidies, within the limits of the budget, amounting up to half of the cost required for the purchase of chemicals necessary for pest control (including substances which may be used as chemicals: the same applies hereinafter), and sprayers, powder dusters, fog generators and other equipment necessary for pest control (hereinafter referred to as the "equipment for pest control") to local governments, or farmers or bodies organized by them that have conducted pest control based on the plan for integrated pest management, in the district where and during the period when the pest control during abnormal outbreaks specified by public notice under Article 24, paragraph (3) should be conducted.

(2) A person that seeks to obtain a subsidy referred to in the preceding paragraph must submit a written application for subsidy, along with the documents specified by Order of the Ministry of Agriculture, Forestry and Fisheries, to the Minister of Agriculture, Forestry and Fisheries.

(3) If the Minister of Agriculture, Forestry and Fisheries examines the submitted documents referred to in the preceding paragraph, and finds it to be appropriate, the Minister is to make a decision to grant the subsidy.

Article 26 Deleted

(Provision of Chemicals and Lending Equipment for Pest Control Without Charge)

Article 27 (1) If it is particularly necessary for the pest control of the plants or animals designated as harmful species, the national government may provide the local governments, farmers, or bodies organized by them that intend to conduct the pest control based on the plan for integrated pest management in the district where and during the period when the pest control during abnormal outbreaks specified by the public notice under the provisions of Article 24, paragraph (3) should be conducted with chemicals necessary for the pest control or transfer the chemicals at a price lower than market value, or may lend equipment for pest control without charge.

(2) Details necessary for the provision, transfer, and lending under the provisions of the preceding paragraph are specified by the Minister of Agriculture, Forestry and Fisheries.

(3) In the case referred to in the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must consult with the Minister of Finance.

(4) In order to use for the purpose of the provision, transfer, and lending of the

chemicals or equipment under the provisions of paragraph (1), the Minister of Agriculture, Forestry and Fisheries must endeavor to maintain the necessary chemicals and pest control equipment at all times.

(Prohibition of Rumor)

Article 28 It is prohibited for any person to disseminate rumors regarding widespread damages to crops caused by spreading of the plants or animals designated as harmful species, with the intention of gaining unfair financial advantage for themselves or others.

Chapter VI Pest Control by Prefectures

(Pest Control Measures Taken by Prefectural Governments)

Article 29 (1) If the spread of harmful plants or harmful animals is likely to cause serious damage to the useful plants, and it is necessary to eliminate them or prevent their spread, the prefectural government may quarantine plants or take necessary measures concerning the pest control of harmful plants or harmful animals.

(2) In the case referred to in the preceding paragraph, attention must be paid so that the legitimate distribution of seeds and seedlings and other items produced in other prefectures are not hindered.

(Recommendations on Pest Control)

Article 30 If the damage to crops is likely to spread to the districts of other prefectures because the pest control to keep crops free from harmful plants or harmful animals (hereinafter referred to as "pest control") is not implemented, or the method of pest control is not suitable, the Minister of Agriculture, Forestry and Fisheries may recommend that the prefectural government take necessary measures for pest control.

(Pest Forecasting Program Conducted by Prefectural Governments)

Article 31 (1) A prefectural government is to conduct the pest forecasting program for harmful plants or harmful animals other than the plants and animals designated as harmful species (limited to those subjects to the pest forecasting program under the provisions of Article 23, paragraph (1); the same applies to paragraph (3)).

(2) A prefectural governor must report the details and outcomes of the pest forecasting program under the provisions of the preceding paragraph to the Minister of Agriculture, Forestry and Fisheries in a timely manner.

(3) If the damage to crops is likely to occur outside the district of the prefecture due to harmful plants or harmful animals other than the plants or animals

designated as harmful species, and if the Minister of Agriculture, Forestry and Fisheries finds it particularly necessary to comprehensively coordinate the pest forecasting program provided by prefectural governments, the Minister may give necessary instructions to prefectural governors.

- (4) If the Minister of Agriculture, Forestry and Fisheries finds it necessary, the Minister is to have their employees cooperate in the pest forecasting program provided by prefectural governments.

(Pest Control Station)

Article 32 (1) A pest control station is established by the prefectural government to contribute to plant quarantine or pest control in local areas.

- (2) The location, name and jurisdictional district of the pest control station are specified by prefectural ordinance.

- (3) If a prefectural government intends to establish a pest control station, the government must notify the Minister of Agriculture, Forestry and Fisheries of the details specified by the Ministry of Agriculture, Forestry and Fisheries in advance.

- (4) In order to accomplish the objectives prescribed in paragraph (1), a pest control station handles the following administrative functions:

- (i) administrative function related to plant quarantine;
- (ii) administrative function related to the planning of pest control;
- (iii) administrative function related to guidance and cooperation for pest control efforts conducted by municipalities, farmers or bodies organized by them;
- (iv) administrative function related to the invasion survey program;
- (v) administrative function related to the pest forecasting program;
- (vi) administrative function related to the storage of chemicals and equipment necessary for pest control, as well as the repair of equipment necessary for pest control; and
- (vii) other administrative functions necessary for pest control.

- (5) A pest control station must comply with the standards specified by Cabinet Order as those necessary for appropriately conducting the administrative functions prescribed in the preceding paragraph.

- (6) If there is a risk that the spread of harmful plants or harmful animals is likely to cause serious damage to useful plants outside the districts of the prefecture and if the Minister of Agriculture, Forestry and Fisheries finds it particularly necessary to eliminate them or prevent their spread, the Minister may provide instructions to the prefectural governor on the necessary matters regarding administrative function at the pest control station or request the prefectural governors to make a necessary report.

- (7) Any facility that is not a pest control station under this Act must not use the

characters"病虫害防除所" or those similar thereto in its name.

(Pest Control Staff)

Article 33 (1) If a prefectural government finds it necessary for pest control, the government assigns a part-time pest control staff in each district as prescribed by prefectural ordinance, in order to have the staff engaged in administrative function related to the invasion survey program, the pest forecasting program and other administrative function relating to pest control.

(2) In the case referred to in the preceding paragraph, the provisions of paragraph (3) of the preceding Article apply mutatis mutandis.

Article 34 Deleted

Chapter VII Miscellaneous Provisions

(Subsidies)

Article 35 (1) The national government provides subsidies to prefectural governments as funds to cover the cost required for the cooperation in the invasion survey program pursuant to the provisions of Article 16-7, paragraph (2), the cost required for the cooperation on the pest forecasting program under the provisions of Article 23, paragraph (1) pursuant to the provisions of paragraph (2) of that Article and the cost for the operations of the pest control stations.

(2) With regard to the subsidies to be granted to prefectural governments under the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries must decide them in accordance with the standards specified by Cabinet Order, using the number of farming households and area of agricultural land in each prefectural government as a basis for calculation, and taking into account each prefectural government's necessities of urgently conducting quarantine for plants, pest control and pest forecasting programs, as well as other special circumstances relating to cooperation in the invasion survey program and the pest forecasting program, and operations of the pest control station.

(Appeals)

Article 36 (1) No request for administrative review may not be filed against orders issued under the provisions of Article 9, paragraph (1) or (2), Article 14, Article 16-4, or Article 16-5.

(2) Any person dissatisfied with the result of the inspection referred to in Article 10, paragraph (1) or (4) or Article 13, paragraph (2) may file a request for re-inspection with the plant protection officer within three months from the day

following the date of the inspection.

- (3) No request for administrative review may be filed against the result of the inspection or re-inspection prescribed in the preceding paragraph.

(Collection of Reports)

Article 37 Beyond what is provided for cases governed by other provisions in this Act, if it is particularly necessary for pest control, the Minister of Agriculture, Forestry and Fisheries may request local governments, farmers, or bodies organized by them to make necessary reports.

(Administrative Functions Handled by Prefectural Governments)

Article 38 (1) A part of administrative functions that belong to the authority of the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 25 and the preceding Article, may be conducted by the prefectural governor, as specified by Cabinet Order.

- (2) The authority of the Minister of Agriculture, Forestry and Fisheries prescribed in Chapter III through this Chapter may be partially delegated to the heads of the regional agricultural administration offices, as specified by Order of the Ministry of Agriculture, Forestry and Fisheries.

(Classification of Administrative Functions)

Article 38-2 Administrative function to be handled by the prefectural governments pursuant to the provisions of Article 21 is type 1 statutory entrusted function prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

Chapter VIII Penal Provisions

Article 39 In the case falling under any of the following items, a person that has committed the violation is punished by imprisonment for not more than three years or a fine of not more than three million yen:

- (i) if a person violates the provisions of Article 6, paragraphs (1) through (3) or Article 7, paragraph (1);
- (ii) if a person violates the requirements for permission under the provisions of Article 7, paragraph (5) (including as applied *mutatis mutandis* pursuant to Article 9, paragraph (6));
- (iii) if a person violates an order under the provisions of Article 7, paragraph (6) (including as applied *mutatis mutandis* pursuant to Article 9, paragraph (6));
- (iv) if a person fails to undergo an inspection under the provisions of Article 8, paragraph (1), or commits a wrongful act when undergoing the inspection; or

(v) if a person violates the provisions of Article 10, paragraph (1), or commits a wrongful act when undergoing an inspection under the provisions of that paragraph.

Article 40 In the case falling under any of the following items, a person that commits the violation is punished by imprisonment for not more than three years or a fine of not more than one million yen:

- (i) if a person violates the provisions of Article 13, paragraph (4), Article 16-2, paragraph (1) or Article 16-3, paragraph (1);
- (ii) if a person violates the requirements for permission under the provisions of Article 7, paragraph (5) as applied mutatis mutandis pursuant to Article 16-3, paragraph (2); or
- (iii) if a person violates an order under the provisions of Article 7, paragraph (6) as applied mutatis mutandis pursuant to Article 16-3, paragraph (2), or Article 18, paragraph (1).

Article 41 (1) In the case falling under any of the following items, a person that commits the violation is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen:

- (i) if a person fails to undergo an inspection under the provisions of Article 8, paragraph (6), or commits a wrongful act when undergoing the inspection;
 - (ii) if a person violates an order under the provisions of Article 8, paragraph (7) or Article 16-4;
 - (iii) if a person violates an order under the provisions of Article 9, paragraph (1) or (2), or refuses, obstructs, or evades a disposition under the provisions of paragraphs (1) through (3) of that Article;
 - (iv) if a person violates an order under the provisions of Article 10-15, paragraph (2);
 - (v) if a person violates an order under the provisions of Article 16-5, or refused, obstructed, or evaded a disposition under the provisions of that Article;
 - (vi) if a person violates an order under the provisions of Article 18, paragraph (2), or refuses, obstructs, or evades a disposition under the provisions of that paragraph; or
 - (vii) if a person violates the provisions of Article 28.
- (2) A person that divulges any secret obtained in connection with the inspection operations or uses the same for the person's own benefit, in violation of the provisions of Article 10-12, paragraph (1), is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen.

Article 42 In the case falling under any of the following items, a person that commits the violation is punished by a fine of not more than 300,000 yen:

- (i) if a person refuses, obstructs, or evades an inspection or collection under the provisions of Article 4, paragraph (1), or fails to make a statement or makes a false statement in response to questions under the provisions of the same paragraph;
- (ii) if a person violates an order under the provisions of Article 4, paragraph (2);
- (iii) if a person violates the provisions of Article 6, paragraph (5);
- (iv) if a person fails to make a statement or makes a false statement in response to questions under the provisions of Article 8, paragraph (8) or Article 10, paragraph (6), or refuses, obstructs, or evades an inspection under these provisions;
- (v) if a person refuses, obstructs, or evades an inspection under the provisions of Article 10, paragraph (4);
- (vi) if a person abolishes the whole of the inspection operations without permission, in violation of the provisions of Article 10-10, paragraph (1);
- (vii) if a person fails to make entries in the books, makes false entries in the books, or fails to preserve the books, in violation of the provisions of Article 10-16;
- (viii) if a person fails to make a report or to submit an item, or makes a false report or submits a false item under the provisions of Article 10-18, paragraph (1), or refuses, obstructs, or evades an on-site inspection under the provisions of the that paragraph, or fails to make a statement or makes a false statement in response to questions under the provisions of that paragraph; or
- (ix) if a person violates an order under the provisions of Article 14 or refuses, obstructs, or evades a disposition under the provisions of that Article.

Article 43 If a representative of a legal person or an agent, employee, or other worker of a legal person or an individual violates the provisions set forth in the following items, in connection with the business of the legal person or individual, in addition to the offender being subject to punishment, the legal person is subject to the fine provided for in the items, and the individual is subject to the fine referred to in the relevant Article:

- (i) Articles 39 and 40: a fine of not more than fifty million yen;
- (ii) Article 41, paragraph (1) and the preceding Article: the fine referred to in the relevant Article;

Article 44 A person that violates an order under Article 24-3, paragraph (2) is punished by a civil fine of not more than 300,000 yen.

Article 45 A person that fails to keep the financial statements, etc., fails to make

necessary entries in the financial statements or makes false entries, in violation of the provisions of Article 10-11, paragraph (1), or refused a request under paragraph (2) of that Article without reasonable grounds is punished by a civil fine of not more than 200,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation: provided, however, that the provisions of Chapter II and paragraphs (3) and (4) of the Supplementary Provisions come into effect as of the day on which sixty days have passed from the date of promulgation.

(Repealed Acts)

- (3) The following Acts are repealed: provided, however, that prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act, even after this Act comes into effect:
- Imported and Exported Plant Quarantine Act (Act No. 86 of 1948);
 - Pest Prevention and Control Act (Act No. 17 of 1896)

(Transitional Provisions)

- (4) Inspections conducted or permissions granted prior to the enforcement of this Act under the provisions of the Imported and Exported Plants Quarantine Act are deemed to have been conducted or granted under the corresponding provisions of this Act.

Supplementary Provisions [Act No. 243 of June 19, 1951] [Extract]

(Effective Date)

- (1) The date on which this Act comes into effect is specified by Cabinet Order: provided, however, that that date must be after the budget including the expenses required for the enforcement of this Act that are borne by the national government has been approved.

Supplementary Provisions [Act No. 26 of March 31, 1952] [Extract]

- (1) This Act comes into effect as of April 1, 1952.

Supplementary Provisions [Act No. 39 of March 31, 1952] [Extract]

- (1) This Act comes into effect as of April 1, 1952: provided, however, that the

provisions of paragraph (3) of the Supplementary Provisions come into effect as of the date of promulgation.

Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]

- (1) This Act comes into effect as of October 1, 1962.
- (2) The provisions amended by this Act also apply to matters that have arisen before this Act came into effect, except otherwise provided by these Supplementary Provisions; provided, however, that this does preclude any effect that had arisen based on the provisions prior to amendment by this Act.
- (3) Prior laws continue to govern any lawsuits that are actually pending at the time of the enforcement of this Act, notwithstanding the provisions amended by this Act prescribing that those lawsuits may not be filed.
- (4) Prior laws continue to govern the jurisdiction over lawsuits that are actually pending at the time of the enforcement of this Act, notwithstanding the provisions amended by this Act prescribing that the relevant jurisdiction is the exclusive jurisdiction.
- (5) Prior laws continue to govern the statute of limitations for filing an action concerning a disposition or administrative determination, for which the statute of limitations for filing an action under the provisions prior to amendment by this Act is actually running at the time of the enforcement of this Act; provided, however, that it is limited to cases where the statute of limitations for filing an action under the provisions amended by this Act is shorter than that under the provisions prior to amendment by this Act.
- (6) The statute of limitations for filing an action concerning a disposition imposed or an administrative determination made prior to the enforcement of this Act, for which the statute of limitations is determined based on the amendment by this Act, is counted from the date on which this Act comes into effect.
- (7) Prior laws continue to govern actions for revocation of disposition or administrative determination on appeal which are actually pending at the time of the enforcement of this Act, notwithstanding the provisions amended by this Act prescribing that one of the parties to the legal relationship is the defendant; provided, however, that the court may, when the petition is filed by a plaintiff, permit the relevant plaintiff to change the action to a public law related action by its ruling.
- (8) The provisions of the second sentence of Article 18 and Article 21, paragraphs (2) through (5) of the Administrative Case Litigation Act apply mutatis mutandis to the cases referred to in the proviso to the preceding paragraph.

Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]

- (1) This Act comes into effect as of October 1, 1962.
- (2) The provisions amended by this Act also apply to dispositions imposed by administrative authorities prior to the enforcement of this Act, an inaction of administrative authorities pertaining to an application filed prior to the enforcement of this Act or other matters that have arisen prior to the enforcement of this Act, except otherwise provided by these Supplementary Provisions; provided, however, that this does not preclude any effect that had arisen based on the provisions prior to amendment by this Act.
- (3) Prior laws continue to govern a petition, a request for examination, filing of an objection or any other appeal (hereinafter referred to as a "petition, etc.") filed prior to the enforcement of this Act, even after the enforcement of this Act. The same applies to a petition, etc. filed in case the party is still dissatisfied with the judicial decision made after the enforcement of this Act on an administrative determination, a ruling or any other disposition on a petition, etc., which have been filed prior to the enforcement of this Act (hereinafter referred to as an "administrative determination, etc."), or petition, etc., filed prior to the enforcement of this Act.
- (4) The petition, etc., prescribed in the preceding paragraph relating to a disposition against which an appeal may be filed under the Administrative Complaint Review Act after the enforcement of this Act, is deemed as an appeal under the Administrative Complaint Review Act in regard to the application of laws other than that Act.
- (5) An appeal under the Administrative Complaint Review Act may not be filed against administrative determinations, etc., on a request for examination, filing of an objection or any other appeal filed after the enforcement of this Act pursuant to the provisions of paragraph (3).
- (6) With regard to dispositions imposed by administrative authorities prior to the enforcement of this Act, against which a petition, etc., may be filed pursuant to the provisions prior to amendment by this Act and whose filing period is not specified, the period during which appeals may be filed 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 to acts committed prior to the enforcement of this Act.
- (9) Beyond what is provided for in the preceding eight paragraphs, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.
- (10) If this Act and the Act on the Consolidation of Relevant Acts for the Enforcement of the Administrative Case Litigation Act (Act No. 140 of 1962) include the provisions to amend the same law, the relevant Act is amended by

this Act first and then amended by the Act on the Consolidation of Relevant Acts for the Enforcement of the Administrative Case Litigation Act.

Supplementary Provisions [Act No. 130 of December 31, 1971] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date on which the Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands becomes effective; provided, however, that the provisions of Articles 10, 11, and 19 come into effect on the date specified by Cabinet Order within a period not exceeding one year from that date; the provisions of Article 62 and the following paragraph come into effect as of the date of promulgation of this Act; and the provisions of Article 66 come into effect as of October 1, 1972.

Supplementary Provisions [Act No. 65 of June 11, 1976]

This Act comes into effect as of the date of promulgation.

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

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 37 of May 18, 1985] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 90 of July 12, 1985] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 67 of June 12, 1996]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of the following Article come into effect as of the date of promulgation.

(Preparatory Procedure for the Enforcement)

Article 2 A public hearing under the provisions of Article 5-2, paragraph (2) (including as applied mutatis mutandis pursuant to Article 6, paragraph (6)) of the Plant Protection Act amended by this Act (hereinafter referred to as the "new Act") may be held to establish Order of the Ministry referred to in Article 5-2, paragraph (1), the main clause of Article 6, paragraph (1) or (2) of the new Act, even prior to the date on which this Act comes into effect (hereinafter referred to as the "effective date").

(Transitional Measures)

Article 3 The provisions of Article 6, paragraph (2) of the new Act do not apply to plants for which notification under the provisions of Article 8, paragraph (1) of the Plant Protection Act prior to amendment (hereinafter referred to as "former Act") (including notice under the provisions of paragraph (4) of that Article or notification under the provisions of paragraph (6) of that Article: hereinafter referred to as "notification, etc.") was made prior to the date of enforcement.

Article 4 If an inspection under the provisions of Article 8, paragraphs (1), (5), or (6) of the former Act is not conducted on plants, import-prohibited items and their containers or packages for which notification, etc., was made prior to the date of enforcement, the notification, etc. is deemed as the notification under the provisions of Article 8, paragraph (1) of the new Act, the notice under the provisions of paragraph (4) of that Article, or notification under the provisions of paragraph (6) of that Article.

Article 5 With regard to an inspection that was conducted pursuant to the provisions of Article 8, paragraphs (1), (3), (5), or (6) of the former Act prior to the date of enforcement, for which an order, disposition or certification under the provisions of Article 9 of the former Act prior to the date of enforcement has not been made, the provisions of Article 9 of the new Act apply.

Article 6 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000, provided, however, that the following provisions come into effect as of the date prescribed in the

relevant items.

- (i) the amended provisions whereby five Articles, Section titles, two Subsections and Subsection titles are added after Article 250 of the Local Autonomy Act in Article 1 (limited to the part pertaining to Article 250-9, paragraph (1) of that Act (limited to the part which pertains to obtaining the consent from both Houses of the Diet), the amended provisions of paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act, in Article 40 (limited to the part pertaining to paragraph (10) of those Supplementary Provisions), the provisions of Article 244 (excluding the part pertaining to the amended provisions of Article 14-3 of the Agricultural Improvement Promotion Act), the provisions of Article 472 (excluding the part pertaining to the amended provisions of Articles 6, 8, and 17 of the Act on Special Measures for Municipal Merger Act), and the provisions of Articles 7, 10, 12, the proviso to Article 59, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Articles 160, 163, 164, and Article 202 of the Supplementary Provisions: the date of promulgation

(Transitional Measures for Partial Amendment of the Plant Protection Act)
Article 84 (1) Any order for cooperation issued pursuant to the provisions of Article 19, paragraph (1) of the Plant Protection Act prior to amendment by pursuant to the provisions of Article 254 prior to the date of enforcement (hereinafter referred as the "former Plant Protection Act" in this Article) is deemed as an instruction given pursuant to the provisions of Article 19, paragraph (1) of the Plant Protection Act amended under the provisions of Article 254 (hereinafter referred to as the "new Plant Protection Act" in this Article).

- (2) An approval which was given pursuant to the provisions of Article 24, paragraph (4) of the former Plant Protection Act prior to the date of enforcement, or an application for approval which has already been filed at the time of enforcement of this Act pursuant to the provisions of that paragraph is deemed as a consent or an offer to have a consultation given respectively pursuant to the provisions of Article 24, paragraph (4) of the new Plant Protection Act.

(Administrative Functions Handled by the National Government)
Article 159 In addition to what is provided for in the respective Acts prior to amendment by this Act, the administrative functions handled by the national government, other local governments or any other public bodies that are administrated or executed by local governments' organs pursuant to laws or Cabinet Order under the laws (referred to as the "administrative functions

handled by the national government, etc." in Article 161 of the Supplementary Provisions) prior to the enforcement of this Act is to be handled by the local government as the local governments' administrative functions pursuant to laws or Cabinet Order under the laws after the enforcement of this Act.

(Transitional Measures for Dispositions or Applications)

Article 160 (1) Dispositions such as permissions granted and other acts committed prior to the enforcement of this Act (the relevant provisions with regard to the provisions set forth in the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article and Article 163 of the Supplementary Provisions) pursuant to the provisions of the respective laws prior to amendment by this Act (hereinafter referred to as the "act of disposition, etc."), or applications such as permission or other acts that have already been filed or committed at the time of enforcement of this Act pursuant to the provisions of the respective laws prior to amendment (hereinafter referred to as the "act of filing, etc."), for which administrative functions are handled by different persons on the date on which this Act comes into effect, are deemed as the act of disposition, etc. or the act of filing, etc. that have been made pursuant to the corresponding provisions of the respective laws amended by these laws, with respect to the application of the respective laws amended by these laws on and after the date of enforcement of this Act, except for those provided for in the provisions of Article 2 through the preceding Article of the Supplementary Provisions or in the provisions for transitional measures for the respective laws (including orders under these laws) amended by these laws.

(2) Unless otherwise provided for in this Act and Cabinet Order under this Act, the matters for which procedures such as reports, notifications, or submissions must be provided to the organs of national government or local government pursuant to the provisions of the respective laws prior to amendment prior to the enforcement of this Act, for which the procedures have not been made prior to the date on which this Act comes into effect, are deemed as those for which procedures such as reports, notifications, or submission must be provided to the corresponding organs of national government or local government pursuant to the corresponding provisions of the respective laws amended by these laws, for which the procedures have not been made, and the provisions of the respective laws amended by this Act apply.

(Transitional Measures for Appeals)

Article 161 (1) With regard to appeals filed against the dispositions pertaining to the administrative functions handled by the national government, etc. that have been imposed prior to the date of enforcement if the administrative authority that imposed the disposition (hereinafter referred to as the

"administrative agency reaching the disposition" in this Article) has the higher administrative authority prescribed in the Administrative Complaint Review Act (hereinafter referred to as the "higher administrative authority" in this Article) prior to the date of enforcement, the administrative agency reaching the disposition is deemed to continue to have the higher administrative authority even after the date of enforcement, and the provisions of the Administrative Complaint Review Act apply. In this case, the administrative authority that is deemed as the higher administrative authority of the administrative agency reaching the disposition is the administrative authority that was the higher administrative authority of the administrative agency reaching the disposition prior to the date of enforcement.

(2) In the case referred to in the preceding paragraph, if the administrative authority that is deemed as the higher administrative authority is a local government's organ, administrative function to be handled by the organ pursuant to the provisions of the Administrative Complaint Review Act is type 1 statutory entrusted function prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures for Fees)

Article 162 Prior laws continue to govern fees to be paid prior to the date of enforcement pursuant to the provisions of the respective laws prior to amendment by this Act (including orders under these laws), unless otherwise provided for in this Act and Cabinet Orders under this Act.

(Transitional Measures for Penal Provisions)

Article 163 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 Beyond what is provided for in these Supplementary Provisions, transitional measures (including transitional measures for penal provisions) necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 250 Type 1 statutory entrusted function prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act is not to be additionally created if possible, and those set forth in Appended Table 1 of the new Local Autonomy Act and those specified by Cabinet Order under the new Local Autonomy Act are to be reviewed from the viewpoint of promoting decentralization, and be revised as appropriate.

Article 251 In order to enable the local governments to independently and autonomously execute their administrative functions and projects, the national government is to review 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 and other factors and is to take necessary measures based on the results of the review.

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

(Effective Date)

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

Supplementary Provisions [Act No. 184 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2001; provided, however, that the provisions of Article 10, paragraph (2) and Articles 7 through 9 of the Supplementary Provisions come into effect as of the day specified by Cabinet Order within a period not exceeding six months from that date.

Supplementary Provisions [Act No. 100 of July 31, 2002]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) come into effect.

(Transitional Measures for Penal Provisions)

Article 2 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 152 of December 13, 2002] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Act on Use of

Information-Communication Technology for Administrative Procedures (Act No. 151 of 2002) comes into effect.

(Transitional Measures for Penal Provisions)

Article 4 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 5 Beyond what is provided for in the preceding three Articles, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 19 of March 31, 2004]

This Act comes into effect as of April 1, 2004.

Supplementary Provisions [Act No. 84 of June 9, 2004] [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.

(Review)

Article 50 The national government is to review the enforcement status of the new Act when five years have passed from the enforcement of this Act, and if the finding it necessary, the government is to take necessary measures based on the results of the review.

Supplementary Provisions [Act No. 102 of October 21, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Postal Service Privatization Act comes into effect.

(Transitional Measures for Penal Provisions)

Article 117 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act, acts committed after the enforcement of this Act if prior laws continue to govern the acts committed pursuant to the provisions of these Supplementary Provisions, acts committed prior to the expiration of the provisions of Article 38-8 of the former Postal Money Order Act (limited to the part pertaining to items (ii) and (iii)) which

continue to remain in effect pursuant to the provisions of Article 9, paragraph (1) of the Supplementary Provisions after the enforcement of this Act, acts committed prior to the expiration of the provisions of Article 70 of the former Postal Transfer Act (limited to the part pertaining to items (ii) and (iii)) which continue to remain in effect pursuant to the provisions of Article 13, paragraph (1) of the Supplementary Provisions after the enforcement of this Act, acts committed prior to the expiration of the provisions of Article 8 of the former Act on the Entrustment of Postal Transfer Deposits and Contributions (limited to the part pertaining to item (ii)) which continue to remain in effect pursuant to the provisions of Article 27, paragraph (1) of the Supplementary Provisions even after the enforcement of this Act, acts committed prior to the expiration of the provisions of Article 70 of the former Japan Post Public Corporation Act (limited to the part pertaining to item (ii)) which continue to remain in effect pursuant to the provisions of Article 39, paragraph (2) of the Supplementary Provisions after the enforcement of this Act, acts committed prior to the expiration of the provisions of Articles 71 and 72 of the former Japan Post Public Corporation Act (limited to the part pertaining to item (xv)) which continue to remain in effect pursuant to the provisions of Article 42, paragraph (1) of the Supplementary Provisions after the enforcement of this Act, and acts committed prior to the specified date pertaining to the postal savings bank prescribed in Article 104 of the Postal Service Privatization Act in a case to which the provisions of Article 2, paragraph (2) of the Supplementary Provisions are applicable.