

Regulation for Enforcement of the Plant Protection Act (Tentative translation)

(Order of the Ministry of Agriculture and Forestry No. 73 of June 30, 1950)

In accordance with the Plant Protection Act (Act No. 151 of 1950), and in order to enforce that Act, the Regulation for Enforcement of the Plant Protection Act is provided as follows.

Table of Contents

Chapter I General Provisions (Articles 1 and 2)

Chapter II Inspection of Imported Plants (Articles 3 to 22-4)

Chapter III Inspection of Exported Plants (Articles 23 to 31-14)

Chapter IV Inspection of Designated Seeds and Seedlings (Articles 32 to 35)

Chapter IV-2 Restriction and Prohibition on Transfer of Plants (Articles 35-2 to 35-11)

Chapter IV-3 Invasion Survey (Article 35-12)

Chapter V Emergency Pest Control (Articles 35-13 to 39)

Chapter VI Pest Control of Plants and Animals Designated as Harmful Species

Section 1 Integrated Pest Management (Articles 40 to 40-4)

Section 2 Provision of Chemicals (Articles 41 to 46)

Section 3 Lending Equipment for Pest Control Without Charge (Articles 47 to 58)

Chapter VII Epidemic Prevention in Prefectures (Articles 59 to 60)

Chapter VIII Miscellaneous Provisions (Articles 61 and 62)

Supplementary Provisions

Chapter I General Provisions

(Designated Items)

Article 1 Items specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 4, paragraph (1) of the Plant Protection Act (hereinafter referred to as the "Act"), are agricultural machinery.

(Identification Card of Plant Protection Officer and Plant Protection Staff)

Article 2 The form of an identification card under the provisions of Article 5, paragraph (1) of the Act is as provided in Appended Form 1.

Chapter II Inspection of Imported Plants

(Quarantine Pests)

Article 3 Harmful animals or harmful plants prescribed by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 5-2, paragraph (1) of the Act are as provided in Annexed Table 1.

(Plants Not Requiring Attachment of Phytosanitary Certificate)

Article 4 Plants that are not used for cultivation, referred to in Article 6, paragraph (1) of the Act, and provided for in Order of the Ministry of Agriculture, Forestry and Fisheries as those having low likelihood of being infested with quarantine pests are as follows; provided, however, that this does not apply to those used for fertilizers, animal feed, and other agricultural and forestry production materials, and those specified in the column of plants in items 14 and 15 of Annexed Table 2:

- (i) those that have been dried and compressed;
- (ii) those that have been dried and chopped (excluding the stem of Senna (*Cassia acutifolia*), the fruit and peel of Orange (*Citrus sinensis*), and the root of Cassava (*Manihot esculenta*));
- (iii) those that have been dried and crushed or smashed (excluding the fruit of Orange and Tamarind (*Tamarindus indica*) and the root of Cassava);
- (iv) those that have been dried and not compressed, chopped, crushed or smashed; provided, however, that woods and parts specified as follows corresponding to each plant are excluded:
 - (a) *Pinus pinea*: Leaves, branches and bark;
 - (b) *Eucalyptus stuartiana*: Leaves, branches, flowers and fruits;
 - (c) *Eucalyptus viminalis*: Leaves, branches, flowers and fruits;
 - (d) *Egoma* (*Perilla ocymoides*): Seeds;
 - (e) Cacao (*Theobroma cacao*): Seeds;
 - (f) *Castanea crenata*: Chestnuts (excluding peeled chestnuts);
 - (g) *Bubinga* (*Guibourtia pellegriniana*): Bark;
 - (h) Walnut (*Juglans*): Walnuts (nuts in shell);
 - (i) Coriander (*Coriandrum sativum*): Leaves and seeds;
 - (j) Peruvian Pepper (*Schinus molle*): Leaves, branches, flowers and fruits;
 - (k) Sesame (*Sesamum indicum*): Seeds;
 - (l) Pomegranate (*Punica granatum*): Fruits;
 - (m) Sugar Pine (*Pinus lambertiana*): Leaves, branches and bark;
 - (n) *Cryptomeria japonica*: Fruits;
 - (o) Rape (*Brassica napus* ssp. *Oleifera*): Seeds;
 - (p) Senna (*Cassia acutifolia*): Leaves;
 - (q) Tamarind (*Tamarindus indica*): Fruits;
 - (r) *Castanea mollissima*: Chestnuts (excluding peeled chestnuts);
 - (s) *Jatropha curcas*: Seeds;

- (t) Black Cumin (*Nigella sativa*): Seeds;
 - (u) *Cyperus rotundus*: Leaves and stems;
 - (v) *Pinus maritima*: Leaves, branches and bark;
 - (w) Caraway (*Carum carvi*): Seeds;
 - (x) Brazil nut tree (*Bertholletia excelsa*): Nuts (excluding peeled nut);
 - (y) *Carthamus tinctorius*: Flowers and seeds;
 - (z) *Ocimum basilicum* Leaves and seeds;
 - (aa) *Terminalia catappa*: Leaves, branches and flowers;
 - (bb) *Juniperus communis*: Fruits;
 - (cc) Common Beech (*Fagus sylvatica*): Leaves, branches and flowers;
 - (dd) Horse Radish Tree (*Moringa oleifera*): Leaves and fruits;
 - (ee) *Chenopodiaceae*: Seeds;
 - (ff) *Gramineae*: Seeds (excluding malt);
 - (gg) *Polygonaceae*: Seeds;
 - (hh) *Amaranthaceae*: Seeds; and
 - (ii) *Leguminosae*: Seeds.
- (v) Frozen items (excluding walnuts (*Juglans* (nuts in shell))).

(Designated Items Subject to Quarantine)

Article 5 Designated items specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those having likelihood of being infested with quarantine pests referred to in Article 6, paragraph (1) of the Act are as follows (limited to those used):

- (i) machines used for agriculture, horticulture or forestry (limited to those used for leveling or cultivation);
- (ii) mowers, hay makers, balers for straw or grass, harvesters, or threshers used for agriculture; and
- (iii) agricultural tractors.

(Plants Requiring Inspection for Conformity to Standards)

Article 5-2 (1) Regions, plants, or designated items subject to quarantine, and standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 6, paragraph (2) of the Act, are as provided in Annexed Table 1-2.

(2) Plants set forth in the preceding paragraph which need to be inspected during the cultivation process are limited to those cultivated in the region referred to in that paragraph.

(Designation of Place of Import)

Article 6 Ports and airports referred to in Article 6, paragraph (3) of the Act are ports set forth in item (i) and airports set forth in items (ii) and (iii); provided,

however, that airports set forth in item (iii) apply only to cases where plants or designated items subject to quarantine are imported by carrying them.

- (i) Mombetsu Port, Abashiri Port, Nemuro Port, Hanasaki Port, Kushiro Port, Tokachi Port, Tomakomai Port, Muroran Port, Hakodate Port, Otaru Port, Ishikari Bay Port, Rumoi Port, Wakkanai Port, Aomori Port, Hachinohe Port, Kuji Port, Miyako Port, Kamaishi Port, Ofunato Port, Ishinomaki Port, Sendai-Shiogama Port, Akita Funagawa Port, Noshiro Port, Sakata Port, Soma Port, Onahama Port, Hitachi Port, Hitachinaka Port, Kashima Port, Kisarazu Port, Chiba Port, Keihin Port, Yokosuka Port, Himekawa Port, Naoetsu Port, Kashiwazaki Port, Niigata Port, Fushiki-Toyama Port, Nanao Port, Kanazawa Port, Uchiura Port, Tsuruga Port, Fukui Port, Tagonoura Port, Shimizu Port, Omaezaki Port, Mikawa Port, Kinuura Port, Nagoya Port, Yokkaichi Port, Tsu Port, Maizuru Port, Hannan Port, Hanshin Port, Himeji Port, Shingu Port, Hidaka Port, Wakayama-Shimotsu Port, Tottori Port, Sakai Port, Misumi Port, Hamada Port, Uno Port, Mizushima Port, Fukuyama Port, Onomichi-Itozaki Port, Takehara Port, Kure Port, Hiroshima Port, Iwakuni Port, Hirao Port, Tokuyama-Kudamatsu Port, Mitajiri-Nakanoseki Port, Yamaguchi Port, Ube Port, Kanmon Port, Tokushima-Komatsushima Port, Takuma Port, Marugame Port, Sakaide Port, Takamatsu Port, Uwajima Port, Matsuyama Port, Imabari Port, Niihama Port, Mishima-Kawanoe Port, Kochi Port, Suzaki Port, Hakata Port, Kanda Port, Miike Port, Karatsu Port, Imari Port, Nagasaki Port, Sasebo Port, Hitakatsu Port, Izuhara Port, Minamata Port, Yatsushiro Port, Misumi Port, Kumamoto Port, Nakatsu Port, Oita Port, Saeki Port, Hososhima Port, Aburatsu Port, Shibushi Port, Kagoshima Port, Sendai Port, Komenotsu Port, Kinnakagusuku Port, Naha Port, Hirara Port, Ishigaki Port;
- (ii) Asahikawa Airport, New Chitose Airport, Hakodate Airport, Aomori Airport, Sendai Airport, Akita Airport, Fukushima Airport, Hyakuri Airport, Narita International Airport, Tokyo International Airport, Niigata Airport, Toyama Airport, Komatsu Airport, Shizuoka Airport, Nagoya Airport, Chubu International Airport, Kansai International Airport, Osaka International Airport, Kobe Airport, Miho Airport, Okayama Airport, Hiroshima Airport, Takamatsu Airport, Matsuyama Airport, Kitakyushu Airport, Fukuoka Airport, Nagasaki Airport, Kumamoto Airport, Oita Airport, Miyazaki Airport, Kagoshima Airport, Naha Airport, Kadena Airport; and
- (iii) Kushiro Airport, Obihiro Airport, Hanamaki Airport, Yamagata Airport, Shonai Airport, Tottori Airport, Izumo Airport, Yamaguchi Ube Airport, Tokushima Airport, Kochi Airport, Saga Airport, Shimojishima Airport, New Ishigaki Airport.

(Special Purposes Specified by Order of the Ministry of Agriculture, Forestry

and Fisheries)

Article 6-2 Special purposes referred to in the proviso of Article 7, paragraph (1) of the Act are as follows:

- (i) display or store as specimens in museums, botanical gardens, or other public facilities;
- (ii) use as evidence in a criminal investigation;
- (iii) provide for the propagation of melon flies in order to produce melon flies that have been infertile for the purpose of controlling melon flies;
- (iv) use for inspections under the provisions of Article 4, paragraph (1) of the Act, Article 8 of the Act, and Article 10 of the Act;
- (v) use for surveys under the provisions of Article 16-7 of the Act; and
- (vi) use for reporting under the provisions of Article 16-8 of the Act.

(Application for Permission of Import of Import-Prohibited Items)

Article 7 (1) An application for permission referred to in Article 7, paragraph (2) of the Act is made by submitting a written application (Form 2) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the domicile of the person who intends to obtain the permission.

- (2) When the Minister of Agriculture, Forestry and Fisheries has granted permission under the provisions of the proviso of Article 7, paragraph (1) of the Act, the Minister issues an import permission certificate (Form 3) and a written order for permission for import of import-prohibited items (Form 3-2) to the applicant.
- (3) The person who has received the import permission certificate referred to in the preceding paragraph must send it to the sender and have the sender attach it to each package of the import-prohibited items and send them.
- (4) When the Minister of Agriculture, Forestry and Fisheries has ordered disposal or other necessary measures pursuant to the provisions of Article 7, paragraph (6) of the Act, the Minister issues a written order for disposal, etc., of import-prohibited items (Form 3-3).

(Standards for Control Facilities after Importation of Import-Prohibited Items)

Article 7-2 Technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 7, paragraph (3) of the Act, are the following standards:

- (i) the ceilings, walls, and floors are of such a structure that import-prohibited items are not dispersed and are not easily damaged by external impacts such as vibrations, falling, and dropping;
- (ii) necessary measures to prevent dispersal are taken at entrances and openings according to the type of import-prohibited items;

- (iii) having insecticidal and sterilizing equipment, such as an autoclave, and other equipment necessary for the proper treatment of import-prohibited items;
- (iv) having the necessary structure, equipment, and functions to prevent the dispersal of the import-prohibited items according to the type of import-prohibited items; and
- (v) a person in charge who has the knowledge and skills to manage import-prohibited items safely and appropriately is assigned.

(Requirements for Permission of Importation of Import-Prohibited Items)

Article 8 (1) Requirements set pursuant to the provisions of Article 7, paragraph (5) of the Act are generally the following matters:

- (i) matters relating to importation to the attention of a plant protection station and other methods of transportation or packing;
 - (ii) matters relating to import permission for containers or packages of imported import-prohibited items;
 - (iii) matters relating to the place and period of management of imported import-prohibited items and other management methods;
 - (iv) matters relating to the person responsible for the management of imported import-prohibited items;
 - (v) matters relating to restrictions or prohibitions on the transfer or other disposition of the import-prohibited items; and
 - (vi) matters relating to the notice and measures to be taken if quarantine pests are present on the plants under management.
- (2) When the Minister of Agriculture, Forestry and Fisheries receives an application from a person who has obtained permission under the proviso of Article 7, paragraph (1) of the Act, the Minister may change the requirements set pursuant to the provisions of Article 7, paragraph (5) of the Act if the reason for the application is found to be justifiable and unavoidable. When the requirements have been changed, the Minister notifies the applicant of the change through the plant protection station.

(Import Prohibited Regions and Import Prohibited Plants)

Article 9 Regions and plants specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 7, paragraph (1), item (i) of the Act, are as follows:

- (i) regions and plants listed in Annexed Table 2;
- (ii) regions and plants listed in Annexed Table 2-2 (excluding those conforming to the standards set forth in that table); and
- (iii) regions and plants listed in the Annexed Table 1-2 (limited to those for which inspection is necessary during the cultivation process and not

cultivated in the region listed in that table).

(Application for Import Inspection)

Article 10 A person who intends to import plants, designated items subject to quarantine, or import-prohibited items must submit a written application for inspection (Form 4) to the plant protection officer without delay after the arrival (landing) of the vessel (aircraft) loaded with the plants, designated items subject to quarantine, or import-prohibited items, except in the case of the proviso of Article 8, paragraph (1) of the Act.

(Place and Date of Inspection)

Article 11 When an application referred to in Article 10 is filed, the plant protection officer must notify the applicant in advance of the place and date of the inspection.

(Transportation of Items Subject to Inspection)

Article 12 A person who has imported plants, designated items subject to quarantine, or import-prohibited items must transport, unpack, pack and take other measures for the plants, designated items subject to quarantine, or import-prohibited items and their containers or packages in accordance with the instructions of the plant protection officer when the person undergoes an inspection pursuant to the provisions of Article 8, paragraph (1) or (3) of the Act.

(Place for Disposition)

Article 13 Implementation of measures accompanying the disposition under the provisions of Article 4, paragraph (2) of the Act or Article 9, paragraph (1) or (2) of the Act must be taken at the place where the plants or designated items subject to quarantine and their containers or packages were inspected or at the plant protection station; provided, however, that when it is not possible to take the measures at these places due to a large amount of cargo or other special reasons, the measures may be taken or made to be taken after transporting to another plant protection station or place with appropriate disinfection or incineration facilities.

(Seeds and Seedlings Specified by Order of the Ministry of Agriculture,
Forestry and Fisheries)

Article 14 Seeds and seedlings referred to in Article 8, paragraph (7) of the Act are specified as follows; provided, however, that those which are exported without being cultivated after import are excluded:

(i) bulbs of lilies, tulips, and hyacinths, etc.;

- (ii) tubers of potatoes and tuberous roots of sweet potatoes;
- (iii) fruit tree seedlings such as citrus, apple, pear, and chestnut, etc.; and
- (iv) fresh stems and leaves and underground parts of sugar cane.

(Post Entry Quarantine)

Article 15 The plant protection officer must, when finding it necessary to grow plants in isolation referred to in Article 8, paragraph (7) of the Act, suspend the receipt of the seeds and seedlings (in the case of postal items, receive the seeds and seedlings from the place of business of Japan Post Co., Ltd.) and notify the person who imported the seeds and seedlings (including the addressee of postal items; the same applies hereinafter) in writing (Form 5) of the following matters, and request an answer within a specified period as to whether it is available to grow those in isolation, and if so, as to the place (location and situation in the vicinity) to grow those in isolation and the person responsible for management:

- (i) the plant must be cultivated in an isolated land or place for a certain period of time;
- (ii) until the completion of inspection by the plant protection officer, the seeds and seedlings (including their products; hereinafter the same applies in this Article and Article 17, paragraph (2)) must not be transferred outside the area of the isolated land or place ;
- (iii) if there is a quarantine pest or any abnormality in the seeds and seedlings during the post entry quarantine period, the fact must be notified to the plant protection officer without delay; and
- (iv) when instructed by the plant protection officer, the measures so instructed must be taken.

Article 16 When the plant protection officer finds that an order to grow plants in post entry quarantine referred to in Article 8, paragraph (7) of the Act can be given based on the answer in the preceding Article, the officer must send the seeds and seedlings with a written order for post entry quarantine (Form 6) attached thereto to the person who imported the seeds and seedlings.

Article 17 (1) The plant protection officer must, when finding it appropriate voluntarily to carry out post entry quarantine referred to in Article 8, paragraph (7) of the Act based on the answer in Article 15, send the seeds and seedlings to the plant protection station and notify the person who imported the seeds and seedlings.

(2) The plant protection officer referred to in the preceding paragraph must, when the seeds and seedlings for which post entry quarantine is carried out have passed the inspection referred to in Article 9, paragraph (5) of the Act,

send the seed and seedling to the person imported them without delay.

(Disposition of Post Entry Quarantine Items)

Article 18 When the plant protection officer has not received an answer to the notice referred to in Article 15 or has received an answer that it is not possible to carry out post entry quarantine, and when the officer cannot voluntarily carry out post entry quarantine, the officer disposes of the seeds and seedlings.

(Issuance of Certificate)

Article 19 (1) The certification referred to in Article 9, paragraph (5) of the Act is a seal of verification, a voucher or a certificate in Appended Form 7; provided, however, that with respect to plants to which only quarantine pests designated by the Minister of Agriculture, Forestry and Fisheries pursuant to the provisions of Article 8, paragraph (1) of the Act are stuck, and their containers or packages, a certificate of import permission (Form 8) is affixed or attached, or is issued to the owner or manager thereof.

(2) With respect to any import-prohibited items for which permission has been granted under the proviso of Article 7, paragraph (1) of the Act and which does not violate the requirements of paragraph (5) of that Article, and any seeds and seedlings sent for post entry cultivation pursuant to the provisions of Article 16, a certificate of import permission (Form 8) is affixed, attached, or issued.

(3) With respect to plants, designated items subject to quarantine, or import-prohibited items to be transported to a location designated by the plant protection officer referred to in the proviso of Article 8, paragraph (2) of the Act, and their containers or packages, a certificate of transportation permission (Form 8-2) is affixed, attached, or issued.

(Implementation of Disinfection or Disposal)

Article 20 A person who has been ordered disinfection or disposal pursuant to the provisions of Article 4, paragraph (2) of the Act or Article 9, paragraph (1) or (2) of the Act must take the measures in the presence of the plant protection officer.

(Notice after Disposition)

Article 21 (1) Pursuant to the provisions of Article 9, paragraphs (1) through (3) of the Act, the plant protection officer must, when the officer disposes of plants, designated items subject to quarantine, or import-prohibited items, and their containers or packages or when they are significantly damaged due to disinfection, notify the person who owns or manages them (in the case of postal items, the addressee thereof) of the fact, and when requested by the person, issue a certificate (Form 9).

(2) When the plant protection officer receives a postal item from a place of business of Japan Post Co., Ltd. in order to inspect the postal item pursuant to the provisions of Article 8, paragraph (5) of the Act and to disinfect or dispose of the postal item pursuant to the provisions of Article 9 paragraphs (1) through (3) of the Act, or receives the seeds and seedlings from a place of business of Japan Post Co., Ltd. pursuant to the provisions of Article 15, the officer must issue a receipt (Form 10) to the place of business of Japan Post Co., Ltd.

(Written Order for Disposal or Disinfection)

Article 22 When the plant protection officer has ordered disinfection or disposal pursuant to the provisions of Article 9, paragraph (1) or (2) of the Act and when requested by the obligor, the officer must issue a written order for disposal or disinfection (Form 11). The same applies when the officer has ordered disposal or disinfection pursuant to the provisions of Article 4, paragraph (2) of the Act.

(Application for Permission of Use of Import-Prohibited Items)

Article 22-2 (1) An application for permission referred to in Article 7, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 9, paragraph (6) of the Act is made by submitting a written application (Form 11-2) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the domicile of the person who intends to obtain the permission.

(2) When the Minister of Agriculture, Forestry and Fisheries has granted permission under the provisions of Article 9, paragraph (3), item (ii) of the Act, the Minister issues a written order for permission for use of import-prohibited items (Form 11-3) to the applicant.

(3) When the Minister of Agriculture, Forestry and Fisheries has ordered disposal or other necessary measures pursuant to the provisions of Article 7, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 9, paragraph (6) of the Act, the provisions of Article 7, paragraph (4) apply mutatis mutandis.

(Standards for Control Facilities when Using Import-Prohibited Items)

Article 22-3 The provisions of Article 7-2 apply mutatis mutandis to the technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 7, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 9, paragraph (6) of the Act following the deemed replacement of terms.

(Requirements for Permission of Use of Import-Prohibited Items)

Article 22-4 (1) Requirements set pursuant to the provisions of Article 7, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 9, paragraph (6) of the Act following the deemed replacement of terms are generally the following matters:

- (i) matters relating to the method of transportation or packing of the transferred import-prohibited items;
 - (ii) matters relating to the place and period of management of transferred import-prohibited items and other management methods;
 - (iii) matters relating to the person responsible for the management of transferred import-prohibited items;
 - (iv) matters relating to restrictions or prohibitions on the transfer or other disposition of the import-prohibited items; and
 - (v) matters relating to the notice and measures to be taken if quarantine pests are present on the plants under management.
- (2) When the Minister of Agriculture, Forestry and Fisheries receives an application from a person who has obtained permission under the provisions of Article 9, paragraph (3), item (ii) of the Act, the Minister may change the requirements set pursuant to the provisions of Article 7, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 9, paragraph (6) of the Act following the deemed replacement of terms if the reason for the application is found to be justifiable and unavoidable. When a change is made, the Minister notifies the applicant of the change through the plant protection station.

Chapter III Inspection of Exported Plants

(Application for Export Inspection)

Article 23 A person who intends to receive an inspection of plants or items and their containers or packages referred to in Article 10, paragraph (1) of the Act must submit a written application for inspection (Form 12) to the plant protection officer.

(Place of Inspection)

Article 24 The inspection referred to in Article 10, paragraph (1) of the Act is carried out at the plant protection station; provided, however, that if an application is made, stating that the applicant wishes to receive an inspection at a location of the plants or items and their containers or packages, the plant protection officer may, if deemed necessary, carry out the inspection at the location.

(Date of Inspection)

Article 25 The plant protection officer must notify in advance the date of

inspection to the person who has applied for inspection pursuant to the provisions of Article 23.

(Transportation of Items Subject to Inspection)

Article 26 When a person who intends to export plants or items and their containers or packages receives an inspection pursuant to the provisions of Article 10, paragraph (1) of the Act, the provisions of Article 12 apply *mutatis mutandis*.

(Issuance of Phytosanitary Certificate)

Article 27 (1) The form of a phytosanitary certificate referred to in Article 10, paragraph (3) of the Act is Form 13 (or Form 13-2 if plants or items and their containers or packages are to be re-exported); provided, however, that if the importing country requires a different form of phytosanitary certificate for importation, the different form is used.

(2) The plant protection officer affixes a seal of verification that a phytosanitary certificate has been issued (Form 13-3) to the plants or items and their containers or packages issued with a phytosanitary certificate, if the importing country requires the affixing of a seal on the plants or items and their containers or packages issued with a phytosanitary certificate for importation, in addition to the issuance of a phytosanitary certificate under the provisions of Article 10, paragraph (3) of the Act.

(Revocation of Issuance of Phytosanitary Certificate)

Article 28 When the plant protection officer finds, as a result of the inspection under the provisions of Article 10, paragraph (4) of the Act, that the plants or items or their containers or packages are no longer in conformity with the requirements of the importing country, the officer must revoke the issuance of a phytosanitary certificate and order the return of the issued phytosanitary certificate, and if the officer has affixed a seal pursuant to the provisions of paragraph (2) of the preceding Article, the officer must erase the seal.

(Cases Where Plant Protection Officer may Omit Part of Inspection)

Article 29 If a person who has applied for an inspection under the provisions of Article 23 submits, at the time of the application, a document stating by a registered conformity inspection body that the registered conformity inspection body has confirmed that the requirements of the importing country are complied with in the inspection conducted by the registered conformity inspection body (meaning the inspection pertaining to the registration prescribed in Article 10-4, paragraph (1), item (i) of the Act; simply referred to as "inspection" in the next Article through Article 31-14) (hereinafter referred

to as "written inspection report") attached to the written application for inspection referred to in the provisions of Article 23, the plant protection officer may omit part of the inspection under the provisions of Article 10, paragraph (1) or (4) of the Act, pursuant to the provisions of Article 10, paragraph (5) of the Act.

(Registration of Registered Conformity Inspection Body)

Article 30 (1) An application for registration referred to in Article 10-2 of the Act must be made by submitting a written application (Form 14) to the Minister of Agriculture, Forestry and Fisheries.

(2) The following documents must be attached to the written application referred to in the preceding paragraph:

- (i) the articles of incorporation (limited to cases where the applicant is a juridical person) and a certificate of registered information;
- (ii) the list of assets and the balance sheet for the business year preceding the business year that includes the date of application; provided, however, that in the case of a juridical person established in the business year that includes the date of application, its list of assets at the time of its establishment;
- (iii) a business plan and budget for the business year that includes the date of application and the following business year;
- (iv) a receipt pertaining to the payment of the registration and license tax;
- (v) a document stating the following matters:
 - (a) an outline of the operations of inspection (hereinafter referred to as "inspection operations") and matters relating to the organization that performs inspection operations;
 - (b) beyond what is set forth in (a), matters relating to the method of conducting inspection operations; and
 - (c) if other operations than inspection operations are performed, the outline of the operations and matters relating to the overall organization.
- (vi) a document explaining that the person who has made an application referred to in the preceding paragraph complies with the provisions of each item of Article 10-4, paragraph (1) of the Act; and
- (vii) other documents stating matters for reference.

(3) The written application referred to in paragraph (1) is submitted through the plant protection station.

(Necessary Procedures for Registration)

Article 31 (1) The registration referred to in Article 10-4, paragraph (1) of the Act (including as applied *mutatis mutandis* pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act) is made by entering

the register (Form 15).

- (2) When the Minister of Agriculture, Forestry and Fisheries has changed any entry in the register, the Minister publicly notifies that effect without delay.

(Inspectors)

Article 31-2 The person specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-4, paragraph (1), item (i) of the Act (including as applied mutatis mutandis pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act), is a person who falls under any of the following items for each inspection set forth in each item of Article 10-2 of the Act:

- (i) a person with one year or more of experience in the inspection operations; or
- (ii) a person with knowledge and skills equivalent to those set forth in the preceding item.

(Technical Standards for Machinery, Equipment and Other Facilities
Pertaining to Inspection)

Article 31-3 Technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-4, paragraph (1), item (ii) of the Act (including as applied mutatis mutandis pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act), are as set forth in the following items for each inspection category set forth in the items:

- (i) inspection at the plant's cultivation site: having machinery, equipment and other facilities set forth in Annexed Table 2-3;
- (ii) inspection for disinfection: having machinery, equipment and other facilities set forth in Annexed Table 2-4;
- (iii) genetic testing and other inspections requiring advanced technology: having machinery, equipment and other facilities set forth in the right column of Annexed Table 2-5 according to the content of the tests set forth in the middle column of the same table; and
- (iv) visual inspection of plants or items including their containers or packages: having machinery, equipment and other facilities set forth in Annexed Table 2-6.

(Standards of Systems Necessary to Ensure Fair Implementation of Inspection
Operations)

Article 31-4 The standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-4, paragraph (1), item (iii) of the Act (including as applied mutatis mutandis pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act), are that an appropriate system has been established by a registered conformity inspection

body to address the evaluation for the independence and impartiality of inspection operations and identification of potential interests for inspection operations.

(Particulars Stated in Register)

Article 31-5 Particulars specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-4, paragraph (2), item (v) of the Act (including as applied mutatis mutandis pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act), are as set forth in the following items:

- (i) outline of inspection operations;
- (ii) areas where the registered conformity inspection body conducts inspections;
and
- (iii) a list of names and address of all offices (limited to those that conduct inspections) of registered conformity inspection bodies.

(Renewal of Registration of Registered Conformity Inspection Body)

Article 31-6 The provisions of Article 30 apply mutatis mutandis to the renewal of registration referred to in Article 10-5, paragraph (1) of the Act. In this case, the term "documents" in Article 30, paragraph (2) are deemed to be replaced with "documents (excluding documents set forth in item (iv) and documents whose contents have not changed from those submitted to the Minister of Agriculture, Forestry and Fisheries at the time of application for registration)."

(Registration of Change)

- Article 31-7 (1) An application for registration of change referred to in Article 10-6, paragraph (2) of the Act must be made by submitting a written application (Form 16) to the Minister of Agriculture, Forestry and Fisheries.
- (2) The documents set forth in each item of Article 30, paragraph (2) (excluding documents whose contents have not changed from those submitted to the Minister of Agriculture, Forestry and Fisheries at the time of application or renewal for registration) must be attached to the written application referred to in the preceding paragraph.
- (3) The written application referred to in paragraph (1) is submitted through the plant protection station.

(Standards for Operation Methods Concerning Inspection of Registered Conformity Inspection Body)

Article 31-8 The standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-7, paragraph (2) of the Act, are that a person who falls under any of the items of Article 31-2 confirms under

the system set forth in Article 31-4 whether the requirements of the importing country are complied with, by the method specified by the Minister of Agriculture, Forestry and Fisheries and using the machinery, equipment and other facilities set forth in the items of Article 31-3 for each inspection category set forth in the items.

(Notification of Change in Registered Matters)

Article 31-9 (1) When giving a notification under the provisions of Article 10-8 of the Act, a written notification (Form 17) must be submitted to the Minister of Agriculture, Forestry and Fisheries.

(2) The written application referred to in the preceding paragraph is submitted through the plant protection station.

(Application for Approval of the Operational Rules of Registered Conformity Inspection Body)

Article 31-10 (1) When a registered conformity inspection body intends to receive approval for its operational rules pursuant to the provisions of the first sentence of Article 10-9, paragraph (1) of the Act, the body must submit a written application (Form 18) to the Minister of Agriculture, Forestry and Fisheries.

(2) When a registered conformity inspection body intends to receive approval for change of its operational rules pursuant to the provisions of the second sentence of Article 10-9, paragraph (1) of the Act, the body must submit a written application (Form 19) to the Minister of Agriculture, Forestry and Fisheries.

(3) Written applications referred to in the preceding two paragraphs are submitted through the plant protection station.

(Provisions of the Operational Rules of Registered Conformity Inspection Body)

Article 31-11 Matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-9, paragraph (2) of the Act, are as follows:

- (i) matters relating to the method of conducting inspection operations;
- (ii) matters relating to the organization conducting inspections, inspectors, and other personnel;
- (iii) matters relating to machinery, equipment and other facilities used for inspection operations;
- (iv) matters relating to hours and holidays for conducting inspection operations;
- (v) matters relating to the maximum number of cases for which application for inspection may be received;

- (vi) matters relating to the place for performing inspection operations;
- (vii) matters relating to the calculation method and the reception method of fees for inspections;
- (viii) matters relating to the preservation of written application for inspection and other documents related to inspections;
- (ix) matters relating to the keeping of financial statements, etc., (meaning financial statements, etc., set forth in Article 10-11, paragraph (1) of the Act; hereinafter the same applies in this Article) and the acceptance of requests for inspection, etc. of financial statements, etc.;
- (x) matters relating to compensation for damage arising from inspection operations and other provisions for debts; and
- (xi) beyond what is set forth in the preceding items, matters necessary for inspection operations.

(Application for Suspension or Discontinuation of Operations of Registered Conformity Inspection Body)

- Article 31-12 (1) When a registered conformity inspection body intends to receive approval for suspension or discontinuation of inspection operations pursuant to the provisions of Article 10-10 of the Act, the body must submit a written application (Form 20) to the Minister of Agriculture, Forestry and Fisheries.
- (2) The written application referred to in the preceding paragraph is submitted through the plant protection station.

(Form of Displaying Contents Recorded in Electronic or Magnetic Records)

- Article 31-13 (1) The form specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-11, paragraph (2), item (iii) of the Act, is a form of displaying contents recorded in electronic or magnetic record (meaning electronic or magnetic records prescribed in Article 10-11, paragraph (1) of the Act; hereinafter the same applies in this Article) on paper or on the screen of an output device.
- (2) Electronic or magnetic form specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-11, paragraph (2), item (iv) of the Act, is a form specified by the registered conformity inspection body among the following forms:
- (i) a form that uses an electronic data processing system that connects the electronic computer used by the sender and the electronic computer used by the recipient through a telecommunications line, by which information is transmitted through the telecommunications line and recorded in a file stored on the electronic computer used by the recipient; or
 - (ii) a method of delivering information recorded in a file created with a thing capable of securely recording certain information by electronic or magnetic

record.

(Bookkeeping of Registered Conformity Inspection Body)

Article 31-14 (1) Books prescribed in Article 10-16 of the Act must be prepared for each registered conformity inspection body that performs inspection operations, kept at the office that performs inspection operations, and preserved for four years from the date of the last entry.

(2) Particulars as provided for in Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 10-16 of the Act, are as follows:

(i) the name and address of the person who applied for inspection;

(ii) the date on which the application for inspection was received;

(iii) the date on which the inspection was conducted;

(iv) the place in which the inspection was conducted;

(v) items of the inspection;

(vi) plants or items inspected and their quantity;

(vii) the place of production or country of origin of the plants or articles inspected;

(viii) the name of the inspector who conducted the inspection;

(ix) results of the inspection; and

(x) other necessary matters.

Chapter IV Inspection of Designated Seeds and Seedlings

(Application for Inspection)

Article 32 (1) A seed and seedling producer who intends to receive an inspection referred to in Article 13, paragraph (1) of the Act (or its representative if jointly applying for inspection) must submit to the plant protection officer a written application for inspection specified by the Minister of Agriculture, Forestry and Fisheries for each type of designated seeds and seedlings by a time limit separately specified by public notice.

(2) A person who has applied for an inspection pursuant to the provisions of the preceding paragraph must affix a label of Form 20-2 in a readily visible area of the growing place and attend the inspection.

(Notice of Inspection Date)

Article 33 When an application for inspection is made pursuant to the provisions of paragraph (1) of the preceding Article, the provisions of Article 25 apply *mutatis mutandis*.

(Inspection Certificate and Its Abridged Copy)

Article 34 The form of an inspection certificate referred to in Article 13,

paragraph (3) of the Act is Appended Form 21, and the form of an abridged copy of an inspection certificate referred to in paragraph (4) of that Article is Appended Form 22.

(Written Order for Disposal and Certificate of Disposal)

Article 35 When the plant protection officer has ordered the disposal of designated seeds and seedlings or has voluntarily disposed of those pursuant to the provisions of Article 14 of the Act, the provisions of Article 21, paragraph (1) and Article 22 apply mutatis mutandis.

Chapter IV-2 Restriction and Prohibition on Transfer of Plants

(Transfer Restricted Areas and Transfer Restricted Plants)

Article 35-2 Areas and plants or designated items referred to in Article 16-2, paragraph (1) of the Act are specified as shown in Annexed Tables 3 and 4.

(Exceptions to Restriction on Transfer of Transfer Restricted Plants)

Article 35-3 (1) Cases specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 16-2, paragraph (1) of the Act, are cases where permission has been obtained from the Minister of Agriculture, Forestry and Fisheries for use in experimentation and research, and a document certifying that the permission has been obtained (Form 22-2) (referred to as "permit for the transfer of transfer restricted plants, etc.," in paragraph (3)) is attached to each package when the plants are transferred.

(2) A person who intends to obtain the permission of the preceding paragraph must submit an application for permission for the transfer of transfer restricted plants, etc., (Form 22-3) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the domicile of the person.

(3) When the Minister of Agriculture, Forestry and Fisheries has granted permission of paragraph (1), the Minister issues a permit for the transfer of transfer restricted plants, etc., and a written order for permission for the transfer of transfer restricted plants, etc., (Form 22-3-2) to the person who applied for the permission.

(Transfer Inspection and Label of Inspection Confirmation)

Article 35-4 (1) The inspection referred to in Article 16-2, paragraph (1) of the Act (hereinafter referred to as "transfer inspection" in this Article) is conducted for the items set forth in the following items:

(i) plants or designated items set forth in the column of plants or designated items within the area set forth in the column of area in the items of 1, 2, 5,

- and 6 of Annexed Table 3, and their containers or packages; and
- (ii) plants or designated items set forth in the column of plants or designated items within the area set forth in the column of area in the items of 3 and 4 of Annexed Table 3.
- (2) Transfer inspection is conducted at the plant protection station or at a place designated by the Director General of plant protection station; provided, however, that if an application is made, stating that the applicant wishes to receive a transfer inspection at the location of the plants or designated items or their containers or packages, and when any of the following items applies, the inspection may be conducted at the location:
- (i) with regard to the plants, designated items, or their containers or packages set forth in each item of the preceding paragraph, when the quantity of the plants or designated items is large and it is deemed necessary for the convenience of replenishing rejected items; or
 - (ii) beyond what is provided for in the preceding item, with regard to the plants set forth in item (ii) of the preceding paragraph, when it is deemed necessary for the management, etc., of the cultivation of the plants during the transfer inspection.
- (3) A person who intends to undergo transfer inspection must submit a written application for inspection (Form 22-4) to the plant protection officer no later than two days prior to the date on which the person intends to transfer the plants, designated items, or their containers or packages (no later than five days prior to the date on which the person intends to undergo transfer inspection in the case of the proviso of the preceding paragraph).
- (4) The plant protection officer must notify in advance the date of transfer inspection to the person who has applied for transfer inspection pursuant to the provisions of the preceding paragraph.
- (5) The provisions of Article 12 apply mutatis mutandis to a person who has applied for transfer inspection pursuant to the provisions of paragraph (3).
- (6) When it is found, as a result of the transfer inspection, that no harmful animals or harmful plants set forth in the remarks column of Annexed Table 3 have been stuck to the plants and designated items or their containers or packages, a label indicating that no harmful animals or harmful plants referred to in Article 16-2, paragraph (1) of the Act is placed by attaching a certificate of passing inspection (Form 22-5) or a voucher of passing inspection (Form 22-6) to the plants and designated items or their containers or packages or by affixing a seal of passing inspection (Form 22-7) or by placing certificate stamp of passing inspection (Form 22-8).

(Confirmation of Disinfection and Labeling of Confirmation)

Article 35-5 (1) Confirmation of disinfection set forth in Article 16-2, paragraph

- (1) of the Act (hereinafter referred to as "confirmation of disinfection" in this Article) is made for plants or designated items set forth in the column of plants or designated items within the area set forth in the column of area of Annexed Table 4.
- (2) Confirmation of disinfection is made at the plant protection station or at a place designated by the Director General of plant protection station.
- (3) A person who intends to receive confirmation of disinfection must submit a written application for disinfection confirmation (Form 22-9) to the plant protection officer no later than two days before disinfection of which the person intends to receive confirmation.
- (4) The plant protection officer must notify in advance the date of confirmation of disinfection to the person who has applied for confirmation of disinfection pursuant to the provisions of the preceding paragraph.
- (5) The provisions of Article 12 apply mutatis mutandis to a person who has applied for confirmation of disinfection pursuant to the provisions of paragraph (3).
- (6) When the confirmation of disinfection is made, a label indicating that disinfection referred to in Article 16-2, paragraph (1) of the Act is performed is placed by attaching a certificate of disinfection confirmation (Form 22-10) or a voucher of disinfection confirmation (Form 22-11) to the plants and designated items or their containers or packages or by affixing a seal of disinfection confirmation (Form 22-12) or by placing certificate stamp of disinfection confirmation (Form 22-13).

(Standards for Disinfection)

Article 35-6 Standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 16-2, paragraph (1) of the Act, are as set forth in the column of disinfection standards in Annexed Table 5 according to the type of plants or designated items set forth in the column of plants or designated items in the same table.

(Transfer Prohibited Areas and Transfer Prohibited Plants)

- Article 35-7 (1) Plants within the area specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 16-3, paragraph (1) of the Act, that are specified by Order of the Ministry of Agriculture, Forestry and Fisheries are specified as shown in Annexed Table 6.
- (2) Harmful animals or harmful plants within the area specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 16-3, paragraph (1) of the Act, that are specified by Order of the Ministry of Agriculture, Forestry and Fisheries are specified as shown in Annexed Table 7.

(Application for Permission of Transfer of Transfer Prohibited Plants)

Article 35-8 (1) An application for permission referred to in Article 7, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 16-3, paragraph (2) of the Act is made by submitting a written application for permission of the transfer of transfer prohibited plants, etc., (Form 22-14) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the domicile of the person who intends to obtain the permission.

(2) When the Minister of Agriculture, Forestry and Fisheries has granted permission under the provisions of the proviso of Article 16-3, paragraph (1) of the Act, the Minister issues a permit for the transfer of transfer prohibited plants, etc., (Form 22-15) and a written order for permission for the transfer of transfer prohibited plants, etc., (Form 22-16) to the person who applied for the permission.

(3) A person who has been issued a permit for the transfer of transfer prohibited plants, etc., referred to in the preceding paragraph must attach this to each package of the prohibited plants, etc., (meaning plants prescribed in paragraph (1) of the preceding Article, harmful animals or harmful plants prescribed in paragraph (2) of that Article, or their containers or packages; the same applies in Article 35-10, paragraph (1)) for which the permission has been issued.

(4) When the Minister of Agriculture, Forestry and Fisheries has ordered disposal or other necessary measures pursuant to the provisions of Article 7, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 16-3, paragraph (2) following the deemed replacement of terms, the Minister issues a written order for disposal, etc., of transfer prohibited plants, etc. (Form 22-17)

(Standards for Control Facilities after Transfer of Transfer Prohibited Plants)

Article 35-9 The provisions of Article 7-2 apply mutatis mutandis to the technical standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 7, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 16-3, paragraph (2) of the Act following the deemed replacement of terms.

(Requirements for Permission of Transfer of Transfer Prohibited Plants)

Article 35-10 (1) Requirements set based on the provisions of Article 7, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 16-3, paragraph (2) of the Act following the deemed replacement of terms are generally the following matters:

- (i) receive confirmation from the plant protection officer to the effect that the transfer prohibited plants, etc., to be transferred have obtained permission under the proviso of Article 16-3, paragraph (1) of the Act before transfer;

- (ii) matters relating to the method of transfer or packing of transfer prohibited plants, etc., to be transferred;
 - (iii) matters relating to the place and period of management of transfer prohibited plants, etc., after transfer and other management methods;
 - (iv) matters relating to the person responsible for the management of transfer prohibited plants, etc., after transfer;
 - (v) matters relating to restrictions or prohibitions on the transfer or other disposition of transfer prohibited plants, etc., after transfer; and
 - (vi) matters relating to the method of notice and other measures when harmful animals or harmful plants set forth in the column of harmful animals or harmful plants in Annexed Table 7, for which permission under the proviso of Article 16-3, paragraph (1) of the Act has not been obtained, are stuck to transfer prohibited plants, etc., during management after transfer.
- (2) The provisions of Article 8, paragraph (2) apply mutatis mutandis to a person who has obtained the permission set forth in the proviso of Article 16-3, paragraph (1) of the Act.

(Written Order for Disposal and Certificate of Disposal)

Article 35-11 When the plant protection officer has ordered the disinfection or disposal of plants, designated items, harmful animals or harmful plants, or soil and their containers or packages or has voluntarily disinfected or disposed of those pursuant to the provisions of Article 16-5 of the Act, the provisions of Article 21, paragraph (1) and Article 22 apply mutatis mutandis.

Chapter IV-3 Invasion Survey

(Harmful Plants and Animals to Alert Invasion into Japan)

Article 35-12 Harmful plants and animals designated by the Minister of Agriculture, Forestry and Fisheries, referred to in Article 16-6 of the Act, are as provided in Annexed Table 8.

Chapter V Emergency Pest Control

(Subject to Standards to Implement Emergency Pest Control)

Article 35-13 Harmful plants and animals specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 17-2, paragraph (1) of the Act, are as provided in Annexed Table 9.

(Emergency Pest Control)

Article 36 An order of the Minister of Agriculture, Forestry and Fisheries under the provisions of Article 18, paragraph (2) of the Act is issued by issuing a

written order for emergency measures (Form 23).

(Form of Written Instructions Requesting Cooperation)

Article 37 The form of the written instructions requesting cooperation referred to in Article 19, paragraph (2) of the Act is Appended Form 24.

(Report of Cooperation Results)

Article 38 A person who has been issued a written instruction requesting cooperation pursuant to the provisions of Article 19, paragraph (2) of the Act must submit a written report of cooperation results (Form 25) to the Minister of Agriculture, Forestry and Fisheries within one month after the completion of operation related to pest control described in the written instruction requesting cooperation .

(Claims for Cost)

Article 39 When a person who has been issued a written instruction requesting cooperation pursuant to the provisions of Article 19, paragraph (2) of the Act intends to receive reimbursement for cost under the provisions of paragraph (3) of that Article, the person must submit a written claim for cost (Form 26) with documents certifying the expenditure of cost to the Minister of Agriculture, Forestry and Fisheries within one month after the completion of operation related to pest control described in the written instruction requesting cooperation .

Chapter VI Pest Control of Plants and Animals Designated as Harmful Species

Section 1 Integrated Pest Management

(Plants and Animals Designated as Harmful Species)

Article 40 Harmful plants and animals designated by the Minister of Agriculture, Forestry and Fisheries, referred to in Article 22, paragraph (1) of the Act, are as provided in Annexed Table 10.

(Report of Plan for Integrated Pest Management)

Article 40-2 A report under the provisions of Article 22-3, paragraph (5) of the Act must be made prior to the implementation of the guidance and advice under the provisions of Article 24-2 of the Act in accordance with the plan for integrated pest management established or revised pursuant to the provisions of paragraph (1) or (4) of that Article.

(Method of Recommendation)

Article 40-3 (1) The method specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 24-3, paragraph (1) of the Act, is a method of issuing a document stating the following matters to the agricultural worker referred to in that paragraph:

- (i) a statement to the effect that a recommendation is made under the provisions of Article 24-3, paragraph (1) of the Act;
- (ii) contents of matters to be improved;
- (iii) specific improvement methods according to the matters of the preceding item;
- (iv) specified period for improvement; and
- (v) other matters deemed necessary.

(2) The specified period set forth in item (iv) of the preceding paragraph is determined by the prefectural governor in consideration of the status of outbreak of plants and animals designated as harmful species and other circumstances.

(Method of Order)

Article 40-4 (1) The method specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 24-3, paragraph (2) of the Act, is a method of issuing a document stating the following matters to the agricultural worker referred to in that paragraph:

- (i) a statement to the effect that an order is made under the provisions of Article 24-3, paragraph (2) of the Act;
- (ii) the fact that the recommendation is not followed;
- (iii) contents of measures to be taken;
- (iv) specified period for taking measures; and
- (v) other matters deemed necessary.

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the specified period referred to in item (iv) of the preceding paragraph.

Section 2 Provision of Chemicals

(The Other Party of Provision)

Article 41 The other party to whom the Minister of Agriculture, Forestry and Fisheries provides chemicals necessary for pest control (hereinafter referred to as "pest control chemicals") pursuant to the provisions of Article 27, paragraph (1) of the Act is a person who is found to have significant difficulty in implementing pest control by himself/herself during abnormal outbreak referred to in Article 24, paragraph (1) of the Act.

(Application for Provision)

Article 42 A person who intends to be provided pest control chemicals must submit a written application for provision (Form 27) to the Minister of Agriculture, Forestry and Fisheries.

(Determination of Provision)

Article 43 When the Minister of Agriculture, Forestry and Fisheries receives a written application for provision referred to in the preceding Article, the Minister examines the contents of the application to decide whether or not to provide the pest control chemicals, and if the chemicals are provided, the Minister issues to the applicant a written approval for provision (Form 28) describing the use of the pest control chemicals to be provided and other necessary matters, and if the chemicals are not provided, the Minister notifies the applicant to that effect.

(Delivery)

Article 44 (1) Pest control chemicals to be provided pursuant to the provisions of Article 27, paragraph (1) of the Act is delivered on the date and place described in the written approval for provision referred to in the preceding Article.
(2) A person who is delivered pest control chemicals pursuant to the provisions of the preceding paragraph (hereinafter referred to as the "transferee") must submit a receipt (Form 29) to the Minister of Agriculture, Forestry and Fisheries immediately after the delivery.

(Restriction on Use of Pest Control Chemicals)

Article 45 (1) The transferee must not use, provide or transfer the pest control chemicals in violation of the conditions described in the written approval for provision referred to in Article 43.
(2) When a transferee violates the provisions of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries may order the transferee to return all or part of the pest control chemicals or equivalent chemicals, or to pay an equivalent amount of consideration.

(Requests for Reports)

Article 46 When a transferee completes pest control using pest control chemicals provided, the transferee must submit a written report for pest control results (Form 30) to the Minister of Agriculture, Forestry and Fisheries within a month.

Section 3 Lending Equipment for Pest Control Without Charge

(Application)

Article 47 A person who intends to borrow equipment for pest control pursuant to the provisions of Article 27, paragraph (1) of the Act must submit a written application for borrowing (Form 31) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the domicile of the person.

(Lending)

Article 48 (1) When the Minister of Agriculture, Forestry and Fisheries receives the written application for borrowing referred to in the preceding Article, the Minister examines the contents of the application to decide whether or not to approve lending, and if the equipment is lent, the Minister determines how to use the equipment for pest control and other necessary matters.

(2) Based on the decision of the preceding paragraph, the Director General of plant protection station issues a written notice of approval of lending (Form 32) to the applicant if the equipment is lent, or notify the applicant of the fact if the equipment is not lent.

(Delivery)

Article 49 (1) Equipment for pest control is delivered on the date and place described in the written notice of approval of lending referred to in paragraph (2) of the preceding Article.

(2) The person who is delivered equipment for pest control pursuant to the provisions of the preceding paragraph (hereinafter referred to as the "borrower") must submit a written acknowledgment (Form 33) to the Director General of plant protection station immediately after the delivery.

(Application for Extension of Lending Period)

Article 50 (1) If the borrower finds it impossible to complete pest control by the expiration date of the lending period described in the written notice of approval of lending referred to in Article 48, paragraph (2), the borrower may apply to the Minister of Agriculture, Forestry and Fisheries for an extension of the lending period.

(2) An applicant must make an application referred to in the preceding paragraph by submitting a written application for extension of lending period (Form 34) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the domicile of the applicant no later than five days prior to the expiration date of the lending period.

(3) If the Minister of Agriculture, Forestry and Fisheries accepts an application referred to in the preceding paragraph and approves the extension of the period, the Director General of plant protection station issues a written notice

of approval for extension of lending period (Form 35) to the applicant.

(Obligations of Borrowers)

Article 51 (1) The borrower must manage the borrowed equipment for pest control with the care of a good manager.

(2) The borrower must not sublease the borrowed equipment for pest control to others.

Article 52 If the borrower loses or damages the borrowed equipment for pest control, the borrower must report the fact and the reason in detail in writing without delay to the Director General of plant protection station. In this case, if the loss or damage is related to a fire or theft, a certificate issued by the relevant public agency certifying that the fire or theft occurred must be attached.

Article 53 (1) If the borrower loses or damages the borrowed equipment for pest control due to reasons attributable to the borrower, the borrower must compensate or repair the equipment at the borrower's expense or pay compensation to the State in accordance with the instructions of the Director General of plant protection station.

(2) The compensation referred to in the preceding paragraph is paid by a payment notice issued by the revenue collector of the plant protection station.

(Return)

Article 54 The borrower must return the borrowed equipment for pest control on the date and place described in the written notice of approval of lending referred to in Article 48, paragraph (2) or the written notice of approval for extension of lending period referred to in Article 50, paragraph (3), and submit a notice of return (Form 36) to the Director General of plant protection station.

Article 55 If the Minister of Agriculture, Forestry and Fisheries needs the equipment for pest control to be used for other emergency purposes or finds it particularly necessary, the Minister may order the return of the equipment even within the lending period, designating the date and place.

(Collection of Penalty)

Article 56 (1) If the borrower fails to return the borrowed equipment for pest control by the return date described in the written notice of approval of lending referred to in Article 48, paragraph (2) or the written notice of approval for extension of lending period referred to in Article 50, paragraph (3) (in the case of the preceding Article, the designated date specified by the return order), the

borrower must pay a penalty in the amount specified by the Minister of Agriculture, Forestry and Fisheries for each type of equipment for pest control for the number of days from the next day of the return date until the date the equipment is returned; provided, however, that this does not apply in the case of a natural disaster or other unavoidable circumstances recognized by the Minister of Agriculture, Forestry and Fisheries.

(2) The provisions of Article 53, paragraph (2) apply mutatis mutandis to a payment of penalty referred to in the preceding paragraph.

(Burden of Expenses)

Article 57 All expenses required for the collection, management, and return of equipment for pest control are borne by the borrower.

Article 58 Deleted

Chapter VII Epidemic Prevention in Prefectures

(Pest Control Station)

Article 59 Matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 32, paragraph (3) of the Act, are as follows:

- (i) name;
- (ii) location and jurisdiction;
- (iii) the status of the cultivation of crops and the outbreak of harmful animals and harmful plants within the jurisdiction;
- (iv) outline of the facility;
- (v) quorum of officials by occupation;
- (vi) outline of business; and
- (vii) scheduled date of commencement of business.

(Pest Control Staff)

Article 60 Matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries, referred to in Article 32, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (2) of the Act, are the number of pest control staff.

Chapter VIII Miscellaneous Provisions

(Number of Farming Households, etc., as Basis for Decision to Provide Subsidies)

Article 61 (1) The number of farming households referred to in Article 35, paragraph (2) of the Act is based on the total number of agriculture

management entities described in Number of Management Entities by Area of Cultivated Land under Management on the most recently announced survey referred to in Article 1 of the Census of Agriculture and Forestry Regulations (Order of the Ministry of Agriculture and Forestry No. 39 of 1969).

(2) The area of agricultural land referred to in Article 35, paragraph (2) of the Act is calculated by deducting the area of exclusive meadowland in the field from the total area of cultivated land under management described in Status of Cultivated Land under Management of the survey prescribed in the preceding paragraph.

(Delegation of Authority)

Article 62 The authority of the Minister of Agriculture, Forestry and Fisheries under the provisions of Article 32, paragraph (3) of the Act (including as applied *mutatis mutandis* pursuant to Article 33, paragraph (2) of the Act) is delegated to the Director General of the Regional Agricultural Administration Office.