

High Pressure Gas Safety Act

(Act No. 204 of June 7, 1951)

Chapter I General Provisions (Article 1 through Article 4)

Chapter II Business (Article 5 through Article 25-2)

Chapter III Safety (Article 26 through Article 39)

Chapter III-2 Accreditation Regarding Completion Inspection and Safety
Inspection (Article 39-2 through Article 39-12)

Chapter III-3 Accredited Advanced Safety Providers (Article 39-13 through
Article 39-27)

Chapter IV Containers

Section 1 Containers and Accessories (Article 40 through Article 56-2-2)

Section 2 Specified Equipment (Article 56-3 through Article 56-6-23)

Section 3 Designated Equipment (Article 56-7 through Article 56-9)

Section 4 Refrigeration Apparatuses (Article 57 through Article 58-2)

Chapter IV-2 Designated Examining Body

Section 1 Designated Examining Body (Article 58-3 through Article 58-17)

Section 2 Designated Completion Inspection Body (Article 58-18 through
Article 58-30)

Section 2-2 Designated Import Inspection Body (Article 58-30-2)

Section 2-3 Designated Safety Inspection Body (Article 58-30-3)

Section 3 Designated Container Inspection Body (Article 58-31)

Section 4 Designated Specified Equipment Inspection Body (Article 58-32)

Section 5 Designated Equipment Accreditation Body (Article 58-33)

Section 6 Investigation Body for Inspection Organizations (Article 58-34
through Article 59)

Chapter IV-3 The High Pressure Gas Safety Institute of Japan

Section 1 General Provisions (Article 59-2 through Article 59-8)

Section 2 Members (Article 59-9 through Article 59-11)

Section 3 Officers, Councilors, and Employees (Article 59-12 through Article
59-27)

Section 4 Services (Article 59-28 through Article 59-30-2)

Section 4-2 Finance and Accounting (Article 59-31 through Article 59-33-2)

Section 5 Supervision (Article 59-34 and Article 59-35)

Section 6 Dissolution (Article 59-36)

Chapter V Miscellaneous Provisions (Article 60 through Article 79-2)

Chapter VI Penal Provisions (Article 80 through Article 86)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 For the purpose of preventing disasters caused by high pressure gases, this Act aims to secure public safety by regulating the production, storage, sale, transportation, and other matters related to the handling of high pressure gases, and their consumption as well as the manufacturing and handling of their containers, and by encouraging voluntary high pressure gases safety activities of private businesses and the High Pressure Gas Safety Institute of Japan.

(Definitions)

Article 2 The term "high pressure gas" as used in this Act means any gas that falls under any of the following items:

- (i) compressed gas, for which the pressure (meaning gauge pressure; the same applies below) is 1 megapascal or higher at its normal operating temperature and which is currently 1 megapascal or higher, or compressed gas, for which the pressure is 1 megapascal or higher at the temperature of 35 degrees Celsius (except compressed acetylene gas in both cases);
- (ii) compressed acetylene gas, for which the pressure is 0.2 megapascals or higher at its normal operating temperature and which is currently 0.2 megapascals or higher, or compressed acetylene gas, for which the pressure is 0.2 megapascals or higher at the temperature of 15 degrees Celsius;
- (iii) liquefied gas, for which the pressure is 0.2 megapascals or higher at its normal operating temperature and which is currently 0.2 megapascals or higher, or liquefied gas with the temperature of 35 degrees Celsius or lower if the pressure is 0.2 megapascals; or
- (iv) beyond what is listed in the preceding item, those liquefied gases including liquefied hydrogen cyanide and liquefied methyl-bromide that are specified by Cabinet Order for which the pressure exceeds zero Pascal at the temperature of 35 degrees Celsius,

(Exemptions)

Article 3 (1) The provisions of this Act do not apply to high pressure gases listed in any of the following items:

- (i) high pressure steam in high pressure boilers and related conduit;
- (ii) high pressure gas in an air-conditioner of railroad vehicles;
- (iii) high pressure gas used on ships to which the provisions of Article 2, paragraph (1) of the Ship Safety Act (Act No. 11 of 1933) apply, on ships used by the Ground Self-Defense Force (including amphibious vehicles), and on ships used by the Maritime Self-Defense Force;

- (iv) high pressure gas within facility (limited to those facilities specified by Cabinet Order) which is located in a mine under Article 2, paragraph (2) of the Mine Safety Act (Act No. 70 of 1949) and is used for mining work in the mine;
 - (v) high pressure gas within the apparatus (limited to the apparatus specified by Cabinet Order) of an automobile (limited to automobile types specified by Cabinet Order) for use in the operations specified in Article 2, paragraph (5) of the Road Transport Vehicle Act (Act No. 185 of 1951);
 - (vi) high pressure gas within aircraft under Article 2, paragraph (1) of the Civil Aeronautics Act (Act No. 231 of 1952);
 - (vii) high pressure gas within a nuclear reactor and auxiliary facilities under Article 2, paragraph (4) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 166 of 1957); and
 - (viii) high pressure gas within an electric device (limited to one specified by Cabinet Order) under Article 2, paragraph (1), item (xviii) of the Electricity Business Act (Act No. 170 of 1964); or
 - (ix) other high pressure gases that pose no possibility of causing accidents or disasters specified by Cabinet Order.
- (2) The provisions of Articles 40 through 56-2-2, Articles 60, and Articles 61 through 63 do not apply to containers with an internal volume of 1 deciliter or less or to containers used without tight sealing.

(Application to the State)

Article 4 The provisions of this Act apply to the State except those of Article 73 and Chapter VI. In this case, the term "a license" or "authorization" is deemed to be replaced with "approval".

Chapter II Business

(License for Production)

Article 5 (1) A person that falls under any of the following items must obtain a license from the prefectural governor for each place of business:

- (i) a person that intends to produce high pressure gas (including the filling of containers; the same applies below) using equipment (excluding the equipment accredited under Article 56-7, paragraph (2)) that is capable of processing the gas by means of compression, liquefaction or some other means at a rate of 100 cubic meters or more (in the case of the gas specified by Cabinet Order, the relevant figure exceeding 100 cubic meters as specified by Cabinet Order for each type of gas specified by Cabinet Order) a day (converted to a state with the temperature of zero degree Celsius and the pressure of zero Pascal; the same applies below) (except those persons that

- intend to produce high pressure gas for the purpose of refrigeration (including heating by the use of refrigeration equipment; the same applies below) and those persons that intend to fill the liquefied petroleum gas (LPG) referred to in Article 2, paragraph (1) of the Act on the Securing of Safety and the Optimization of Transaction of Liquefied Petroleum Gas (Act No. 149 of 1967; referred below to as "the LPG Act") into the supply facility referred to in Article 2, paragraph (4) of the LPG Act); or
- (ii) a person that intends to produce high pressure gas within equipment with a refrigerating capacity of 20 tons or more a day (or, in the case of the gas specified Cabinet Order, the value exceeding 20 tons as specified by Cabinet Order for each type of those gases specified in Cabinet Order) by means of compressing or liquefying the gas in the equipment for the purpose of refrigeration (except accredited equipment under Article 56-7, paragraph (2)).
- (2) A person falling under any of the following items must notify the prefectural governor by attaching a written statement describing the type of high pressure gas to be produced, the production location, structure, equipment, and the method of production for each place of business no later than 20 days before the day specified in each item:
- (i) a person engaging in the business of production of high pressure gas (excluding those persons referred to in item (i) of the preceding paragraph, those persons producing high pressure gas for the purpose of refrigeration, and those persons filling the LPG referred to in of the Article 2, paragraph (1) of the LPG Act into a supply facility referred to in Article 2, paragraph (4) of the Act): the date of commencement of business; or
- (ii) a person (excluding those persons referred to in the Cabinet Order referred to in item (ii) of the preceding paragraph) producing high pressure gas with equipment with a refrigerating capacity of 3 tons or more a day (or, in the case of the type of gas specified by the item (ii) of the paragraph, a value exceeding 3 tons as specified by Cabinet Order for each of those gases specified in the Cabinet Order) by means of compressing or liquefying the gas in the equipment for the purpose of refrigeration: the date of commencement of production.
- (3) The refrigerating capacity referred to in paragraph (1), item (ii) and item (ii) of the preceding paragraph is to be calculated in accordance with the standards specified by Order of the Ministry of Economy, Trade and Industry.

Article 6 Deleted

(Disqualification for License)

Article 7 A person falling under any of the following items may not receive a license under of Article 5, paragraph (1):

- (i) a person whose previously obtained a license was revoked pursuant to the provisions of Article 38, paragraph (1) and for whom two years have not passed from the date of revocation;
- (ii) a person that violated this Act or an order pursuant to this Act, was sentenced to a fine or severer punishment, and for whom two years have not passed from the date when the person completed or was no longer subject to punishment;
- (iii) a person specified by Order of the Ministry of Economy, Trade and Industry as incapable of properly producing high pressure gas due to mental or physical disorder; or
- (iv) a corporation, for which any of its officers engaged in the business fall under any of the preceding three items.

(Standards for License)

Article 8 The prefectural governor must examine the application when there is an application for a license under Article 5, paragraph (1), and must give a license if the governor finds that the application is in conformity with the requirements of all the following items:

- (i) the location, construction and equipment of the facilities for production (including storage and pipeline transportation related to production; the same applies under this Article, the following Article, Article 11, paragraph (1) of Article 14, paragraphs (1) through (3) of Article 20, Article 20-2, Article 20-3, paragraph (1) of Article 21, paragraph (4) of Article 27-2, paragraph (1) of Article 27-3, paragraph (1) of Article 27-4, paragraph (10) of Article 32, paragraph (1) of Article 35, Article 35-2, paragraph (1) of Article 36, paragraph (1) of Article 38, items (i) and (ii) of Article 39, Article 39-6, paragraph (1) of Article 39-11, paragraph (1), item (iv) of Article 39-12, paragraph (1), item (i) and item (ii) of Article 39-15, paragraph (1), item (iv) of Article 39-20, paragraph (1) of Article 39-22, paragraph (1) of Article 60, items (ii) and (iii) of Article 80, and item (ii) of Article 81) meet all conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) the method of production employed is to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry; and
- (iii) the production poses no risk of interfering with the maintenance of public safety or the prevention of disasters.

(Revocation of License)

Article 9 If a person that obtained a license under Article 5, paragraph (1) (referred to below as a "Class 1 producer") has failed to commence production within one year or has suspended production for an uninterrupted period of one

year or longer without justifiable grounds, the prefectural governor may revoke the license.

(Succession)

Article 10 (1) If there is an inheritance, merger, or split with respect to a Class 1 producer (limited to the succession of the place of business of the Class 1 producer for which the Class 1 producer has obtained a license), the heir (if there are two or more heirs and if all of them have unanimously selected an heir to succeed the business, then the specific heir), the surviving corporation after the merger or newly organized by the merger, or the corporation succeeding the place of business by split, succeeds to the status of a Class 1 producer.

(2) A person that has succeeded to the status of a Class 1 producer pursuant to the provisions of the preceding paragraph must notify the prefectural governor of the succession without delay by attaching a document certifying the fact.

Article 10-2 (1) When a person that is listed in any of the items of Article 5, paragraph (2) (referred to below as a "Class 2 producer") transfers all of their business or in the event of the inheritance, merger or split succession of a Class 2 producer (limited to transfer of all the business of the Class 2 producer), a person that has succeeded to all of the business or the heir (in case there are two or more heirs, if all of them have unanimously selected an heir to succeed the business, then this specific heir) or the surviving corporation after the merger or newly organized by the merger or inheriting all of the business by split succession, succeeds to the status of a Class 2 producer pursuant to the provisions of this Act.

(2) A person that has succeeded to the status of a Class 2 producer pursuant to the provisions of the preceding paragraph must notify the prefectural governor of the succession without delay attaching a document certifying the fact.

(Facility for Production and Method of Production)

Article 11 (1) A Class 1 producer must maintain the facility for production so as to keep the location, structure, and equipment of the facility in conformity with the technical standards under item (i) of Article 8.

(2) A Class 1 producer must produce high pressure gas in accordance with the technical standards under item (ii) of Article 8.

(3) When a prefectural governor finds that the facility for production or the method of production of a Class 1 producer is not in conformity with the technical standards under item (i) or (ii) of Article 8, the governor may order the Class 1 producer to repair, alter, or relocate the facility for production so as to conform to the technical standards or to produce high pressure gas in

accordance with the technical standards.

Article 12 (1) A Class 2 producer must maintain the facility for production so as to keep the location, structure, and equipment of the facility in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(2) A Class 2 producer must produce high pressure gas in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(3) When a prefectural governor finds that the facility for production or the method of production of a Class 2 producer is not in conformity with the technical standards under the preceding two paragraphs, the governor may order the Class 2 producer to repair, alter or relocate the facility for production so as to conform to the technical standards, or to produce the high pressure gas in accordance with the technical standards.

Article 13 Beyond the provisions of the preceding two Articles, the production of high pressure gas must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(Change of Facility for Production)

Article 14 (1) A Class 1 producer that intends to implement any change in the location, structure, or equipment of the facility for production or that intends to change the type of high pressure gas to be produced or the method of production must obtain a license of the prefectural governor; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, structure, or equipment of the facility for production.

(2) When implementing minor changes as specified in the proviso of the preceding paragraph, the Class 1 producer must submit a notification report to the prefectural governor without delay after the completion.

(3) The provisions of Article 8 apply *mutatis mutandis* to the license under paragraph (1).

(4) A Class 2 producer that intends to implement any changes in the location, structure, or equipment of the production facility, or that intends to change the type of high pressure gas to be produced or the method of production, must submit a notification report to the prefectural governor in advance; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, structure, or equipment of the production facility.

(Storage)

Article 15 (1) Storing of high pressure gas must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to the high pressure gas stored by a Class 1 producer in accordance with the terms of the license under Article 5, paragraph (1) of this Act; LPG referred to in Article 2, paragraph (1) of the LPG Act stored by an LPG dealer specified in Article 6 of the LPG Act at a supply facility specified in Article 2, paragraph (4) of the LPG Act or a storage facility specified in Article 3, paragraph (2), item (iii) of the LPG Act; or high pressure gas not exceeding the volume specified by Order of the Ministry of Economy, Trade and Industry.

(2) When a prefectural governor finds that the storage of high pressure gas by the owner or possessor of the storage facility as provided for in paragraph (1) of the following Article or paragraph (1) of Article 17-2, is not in conformity with the technical standards under the preceding paragraph, the governor may order the owner or possessor to store the high pressure gas in accordance with the technical standards.

(Storage Facilities)

Article 16 (1) High pressure gas of 300 cubic meters or more (if the gas is one of those types of gas specified by Cabinet Order, the figure in excess of 300 cubic meters that is specified by Cabinet Order for each type of gas to be specified by Cabinet Order) in volume is to be stored in a storage facility already set up with the prior license of the prefectural governor (referred to below as a "Class 1 storage facility"); if this does not apply to the storage of high pressure gas by a Class 1 producer in accordance with the terms of the license under Article 5, paragraph (1) or to the storage of the LPG referred to in Article 2, paragraph (1) of the LPG Act at a supply facility specified in Article 2, paragraph (4) of the LPG Act or a storage facility specified in Article 3, paragraph (2), item (iii) of the LPG Act by an LPG dealer specified in Article 6 of the LPG Act.

(2) When there is an application for a license stated in the preceding paragraph, the prefectural governor must give a license if governor finds that the location, structure, and equipment of the Class 1 storage facility are in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(3) In the case referred to in paragraph (1), if the high pressure gas to be stored is liquefied gas, or liquefied gas and compressed gas, 10 kilograms of the liquefied gas is deemed to be 1 cubic meter in volume for the application of the provisions of the paragraph.

Article 17 (1) The transfer or delivery of a Class 1 storage facility caused the

transferee or the person that received the transfer to succeed to the status of the person that was given a license to set up the Class 1 storage facility.

- (2) The successor to the status of a person that was given the license to set up a Class 1 storage facility under the provisions of the preceding paragraph must submit a notification of the succession to the prefectural governor without delay.

Article 17-2 (1) High pressure gas of 300 cubic meters or more in volume must be stored (excluding the case provided for in the main text of Article 16, paragraph (1)) at a storage facility for which the installation has been notified to the prefectural governor in advance (referred to below as a "Class 2 storage facility"); provided, however, that this does not apply to the storage of high pressure gas by a Class 1 producer in accordance with the terms of a license under Article 5, paragraph (1) or to the storage of the LPG referred to in Article 2, paragraph (1) of the LPG Act at a supply facility provided in Article 2, paragraph (4) of the LPG Act or a storage facility provided in Article 3, paragraph (2), item (iii) of the LPG Act by an LPG dealer provided in Article 6 of the LPG Act.

- (2) The provisions of Article 16, paragraph (3) apply *mutatis mutandis* to the preceding paragraph.

Article 18 (1) The owner or possessor of a Class 1 storage facility must maintain the Class 1 storage facility so that its location, structure, and equipment conform with the technical standards under paragraph (2) of Article 16.

- (2) The owner or possessor of a Class 2 storage facility must maintain the Class 2 storage facility so that its location, structure, and equipment conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

- (3) When the prefectural governor finds that the location, structure, or equipment of a Class 1 storage facility or Class 2 storage facility does not conform with the technical standards under paragraph (2) of Article 16 or those specified in the preceding paragraphs, the governor may order the owner or possessor to repair, alter, or relocate those Class 1 storage facility or Class 2 storage facility so that they conform to the technical standards.

Article 19 (1) The owner or possessor of a Class 1 storage facility that intends to carry out construction work to make any change in the location, structure, or equipment must obtain a license of the prefectural governor; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, structure, or equipment of the Class 1 storage facility.

- (2) When implementing minor changes referred to in the proviso of the preceding paragraph, the owner or possessor of a Class 1 storage facility must submit a notification report to the prefectural governor without delay after the completion of the modification work.
- (3) The provisions of paragraph (2) of Article 16 apply *mutatis mutandis* to a license under paragraph (1).
- (4) The owner or possessor of a Class 2 storage facility that intends to implement any change to the location, structure, or equipment must notify the prefectural governor of the intended change in advance; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, structure, or equipment of the Class 2 storage facility.

(Completion Inspections)

- Article 20 (1) Upon completion of setting up a production facility of high pressure gas or of setting up a Class 1 storage facility, the person that was given a license under Article 5, paragraph (1) or Article 16, paragraph (1) is to have a completion inspection by the prefectural governor and is not permitted to use the facilities until they are found to conform to the technical standards under Article 8, item (i) or Article 16, paragraph (2); provided, however, that this does not apply when the person that has the right to operate the facilities for the production of high pressure gas or the Class 1 storage facility has had the High Pressure Gas Safety Institute of Japan (referred to below as "the Institute") or a body designated by the Minister of Economy, Trade and Industry (referred to below as a "designated completion inspection body") as specified by Order of the Ministry of Economy, Trade and Industry, complete the inspection and the production facility or Class 1 storage facility, are found to conform with the technical standards under Article 8, item (i) or Article 16, paragraph (2) and the person has so notified to the prefectural governor.
- (2) A person that received transfer of occupancy (delivery) of the whole or apart of the facility for production from a Class 1 producer and has obtained a license under paragraph (1) of Article 5, is entitled to use the production facility if the facility has already undergone a completion inspection and been found to conform to the technical standards under Article 8, item (i) or if the Class 1 producer has notified the inspection record in accordance with the provisions of item (ii) of the following paragraph.
 - (3) Upon completion of the construction work to change the location, structure, or equipment of the production facility of high pressure gas or a Class 1 storage facility (excluding the type of work specified by Order of the Ministry of Economy, Trade and Industry; referred to below as "specified modification work"), a person that has obtained a license under paragraph (1) of Article 14

or paragraph (1) of the preceding Article, must receive a completion inspection of the production facility or Class 1 storage facility approved by the prefectural governor, and is not allowed to use them until they are found to conform to the technical standards under Article 8, item (i) or Article 16, paragraph (2);

provided, however, that this does not apply in either of the following cases:

(i) when the person has notified the prefectural governor, after the production facility of high pressure gas or Class 1 storage facility has had a completion inspection by the Institute or a designated completion inspection body pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, and the facility or Class 1 storage facility are found to conform to the technical standards under Article 8, item (i) or Article 16, paragraph (2);
or

(ii) when a person accredited by the Minister of Economy, Trade and Industry as being qualified to conduct completion inspection regarding the specified modification work by themselves (referred to below as "accredited completion inspector") has already submitted the inspection records to the prefectural governor pursuant to the provisions of Article 39-11, paragraph (1).

(4) Upon conclusion of the completion inspection as provided for in the proviso of paragraph (1) or item (i) of the preceding paragraph, the Institute or a designated completion inspection body must report the inspection results to the prefectural governor without delay.

(5) The method of completion inspection to be conducted by the prefectural governor, the Institute, or a designated completion inspection body, as referred to in paragraph (1) and paragraph (3), is specified by Order of the Ministry of Economy, Trade and Industry.

Article 20-2 A person that was given a license under Article 5, paragraph (1) or Article 14, paragraph (1) is not required to have a completion inspection of the equipment indicated below under paragraph (1) or paragraph (3) of the preceding Article, if they undergo completion inspection by the prefectural governor, the Institute, or a designated completion inspection body as referred to in paragraph (1) or paragraph (3) of the preceding Article within the period specified by Order of the Ministry of Economy, Trade and Industry:

(i) equipment which has successfully passed the specified equipment inspection specified in Article 56-3, paragraphs (1) through (3), and for which this may be confirmed by the specified equipment inspection certificate referred to in Article 56-4, paragraph (1); or

(ii) equipment manufactured by a person that has registered as specified in Article 56-6-2, paragraph (1), or Article 56-6-22, paragraph (1), and for which this fact can be confirmed by the specified equipment standards conformity certificate referred to in Article 56-6-14, paragraph (2) (including the case

when applied *mutatis mutandis* pursuant to Article 56-6-22, paragraph (2)).

Article 20-3 The person that has obtained a license under Article 5, paragraph (1) or Article 14, paragraph (1) is not required to have the completion inspection under Article 20, paragraph (1) or paragraph (3) if the person has that the production facility using the equipment that has been accredited under Article 56-7, paragraph (2) and for which the accreditation can be verified by the designated equipment accreditation certificate under Article 56-8, paragraph (1), and has the facility have the completion inspection under Article 20, paragraph (1) or paragraph (3) conducted by the prefectural governor, the Institute, or a designated completion inspection body.

(Notification of Sales Business)

Article 20-4 A person that intends to engage in the sales business of high pressure gas (excluding the business of selling LPG as provided for in Article 2, paragraph (3) of the LPG Act) must notify the prefectural governor of their intention, with a document describing the type of high pressure gas for sale and other documents specified by Order of the Ministry of Economy, Trade and Industry at least 20 days before the planned day of business commencement for each sales location, provided, however, that this does not apply in either of the following cases:

- (i) when a Class 1 producer provided for in Article 5, paragraph (1), item (i) sells high pressure gas they produce at their place of business; or
- (ii) a person that is engaged in the sales business of high pressure gases, such as compressed oxygen for medical use, as specified by Cabinet Order at a sales location where the storage capacity is always less than 5 cubic meters.

(Succession)

Article 20-4-2 (1) If a person that has made notification pursuant to the preceding Article (referred to below as a "seller") has transferred all of their sales business in the notification, or in the event of the inheritance, merger, or divided succession (limited to transfer of all of their sales business in the notification), the person that has succeeded to all of their business or the heir (if there are two or more heirs and all of them have unanimously selected an heir to succeed to run the business, then the specific heir), the corporation that exists after the merger or is newly organized by the process of merger, or is inheriting all of their business by the divided succession is to succeed to the status of the seller.

- (2) A person that has succeeded to the status of a seller in accordance with the provisions of the preceding paragraph must submit a notification report of the succession to the prefectural governor without delay with a document

certifying the succession.

(Duty of Adequate Information)

- Article 20-5 (1) As specified by Order of the Ministry of Economy, Trade and Industry, a seller or a person that is engaged in the sales business pursuant to the provisions of Article 20-4, item (i) (referred to below as a "seller, etc.") must inform a buyer of the high pressure gas which they intend to sell and which is specified by Order of the Ministry of Economy, Trade and Industry of the matters specified by Order of the Ministry of Economy, Trade and Industry as necessary to prevent the occurrence of accidents caused by the high pressure gas; provided, however, that this does not apply if the person buying the high pressure gas is a Class I producer, a seller, a specified high pressure gas consumer referred to in Article 24-2, paragraph (2) or any other person specified by Order of the Ministry of Economy, Trade and Industry.
- (2) If a seller, etc. fails to inform a buyer as prescribed in the preceding paragraph or the method of informing is found to be inappropriate, the prefectural governor may issue a recommendation to the seller, etc. to properly inform a buyer in accordance with the provisions of the paragraph or to improve the method of informing the buyer.
- (3) If a seller, etc. does not follow the recommendation pursuant to the provisions stated in the preceding paragraph, the prefectural governor may make public the insubordination on the part of the seller, etc. to follow the recommendation.

(Sales Methods)

- Article 20-6 (1) A seller, etc. must sell high pressure gas in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.
- (2) If the sales method employed by a seller, etc. is found to be inconsistent with the technical standards referred to in the preceding paragraph, the prefectural governor may issue an order to the seller, etc. to sell high pressure gas according to the technical standards.

(Change of Types of High Pressure Gas for Sale)

- Article 20-7 A seller must notify any change of the type of high pressure gas they sell to the prefectural governor without delay.

(Notification of Discontinuation of Production)

- Article 21 (1) Upon commencement or discontinuation of the production of high pressure gas, a Class 1 producer must submit a notification report to the prefectural governor without delay.
- (2) Upon the discontinuation of the business of producing high pressure gas, a

Class 2 producer listed in Article 5, paragraph (2), item (i) must submit a notification report to the prefectural governor without delay.

- (3) Upon the discontinuation of the production of high pressure gas, a Class 2 producer listed in Article 5, paragraph (2), item (ii) must submit a notification report to the prefectural governor to the effect without delay.
- (4) Upon the discontinuation of the use of a Class 1 storage facility or Class 2 storage facility, the owner or possessor must submit a notification report of the discontinuation of the use of the facility to the prefectural governor to the effect without delay.
- (5) Upon the discontinuation of the sales business of high pressure gas, a dealer must submit a notification report to the prefectural governor to the effect without delay.

(Import Inspections)

Article 22 (1) A person that has imported high pressure gas must not transport the gas and its container until they have the imported high pressure gas and the container undergo an import inspection by the prefectural governor, and they have been verified as being in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry (referred to below as "technical standards for import inspection" in this Article); provided, however, that this does not apply in the following cases:

- (i) when the imported high pressure gas and its container are subject to an import inspection to be conducted by the Institute or a person designated by the Minister of Economy, Trade and Industry (referred to below as a "designated import inspection body") as specified by Order of the Ministry of Economy, Trade and Industry and when they are verified as being in conformity with the technical standards for import inspection, and when this is notified to the prefectural governor;
 - (ii) when the high pressure gas is imported by unloading through pipeline from a ship;
 - (iii) when the high pressure gas in shock-absorbers specified by Order of the Ministry of Economy, Trade and Industry is imported; or
 - (iv) beyond what is listed in the preceding two items, cases specified by Order of the Ministry of Economy, Trade and Industry as having no risk of interfering with the maintenance of public safety and the prevention of disasters.
- (2) When the Institute or a designated import inspection body has conducted the import inspection stated in the preceding paragraph, it must report the results to the prefectural governor without delay.
 - (3) When a prefectural governor finds that imported high pressure gas or its containers do not conform to the technical standards for import inspection, the

governor may order the high pressure gas importer to dispose of the high pressure gas and its containers or to take other necessary measures.

- (4) The method of import inspection to be conducted by the prefectural governor, the Institute, or a designated import inspection body in paragraph (1) is specified by Order of the Ministry of Economy, Trade and Industry.

(Transportation)

Article 23 (1) In transporting high pressure gas, the necessary safety measures as specified by Order of the Ministry of Economy, Trade and Industry must be taken with respect to its containers.

- (2) In transporting high pressure gas in a vehicle (meaning a road transportation vehicle provided in Article 2, paragraph (1) of the Road Transport Vehicle Act), the technical standards of transporting and loading methods provided by Order of Ministry of Economy, Trade and Industry must be followed.

- (3) As for the pipeline transportation of high pressure gas, the pipeline must be installed and maintained in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to the pipeline transportation of high pressure gas as performed by a Class 1 producer in accordance with the terms of a license under Article 5, paragraph (1).

(Installment of Household Equipment)

Article 24 The work of installing or modifying the equipment for general consumers with compressed natural gas for their daily use (limited to the gas filled in a container with an internal volume of 20 liters or more and less than 120 liters) must be undertaken in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(Consumption)

Article 24-2 (1) A person that consumes compressed monosilane, compressed diborane, liquefied arsine, or other high pressure gases specifically specified in Cabinet Order as requiring special care for the prevention of accidents in their consumption, or liquid oxygen and other types of high pressure gases specifically specified in Cabinet Order as requiring special care for the maintenance of public safety or the prevention of accidents with respect to the storage and consumption of a certain quantity of gas (limited to anyone whose storage facility of specific high pressure gases for consumption has a storage capacity of not less than the quantity specified by Cabinet Order for each type of specified high pressure gas or anyone that is supplied with the specific high pressure gas for consumption through a pipeline from a place of business other than those involved in the consumption of specified high pressure gas; the

same applies below) (collectively referred to below as "specified high pressure gases") must report to the prefectural governor by each place of business no later than 20 days before commencement of consumption, attaching documents showing the type of specified high pressure gas to be consumed, the location, structure and equipment of the facility for consumption (including the storage for gas and pipeline transportation; the same applies below in this paragraph) and the method of consumption.

- (2) The provisions of Article 10-2 apply *mutatis mutandis* to a consumer of specified high pressure gases (referred to below as "specified high pressure gas consumer").

Article 24-3 (1) A specified high pressure gas consumer must maintain the facility for consumption (including storage for consumption and pipeline transportation; the same applies below) so as to keep the location, structure, and equipment in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

- (2) A specified high pressure gas consumer must consume specified high pressure gases in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

- (3) When the prefectural governor finds that the facility for consumption or the method of consumption of a specified high pressure gas consumer is not in conformity with the technical standards under the preceding two paragraphs, the governor may order the specified high pressure gas consumer to repair, modify, or relocate the facility for consumption to conform to the technical standards or to consume the specified high pressure gases in accordance with the technical standards.

Article 24-4 (1) A specified high pressure gas consumer that intends to implement any changes in the location, structure, or equipment of the facility for consumption or that intends to change the type of specific high pressure gases to be consumed or the method of consumption must submit a report of the changes to the prefectural governor in advance; provided, however, that this does not apply to minor changes specified by Order of the Ministry of Economy, Trade and Industry with respect to the location, structure, or equipment of the facility for consumption.

- (2) Upon the discontinuation of the consumption of specified high pressure gases, a specified high pressure gas consumer must submit a report to the prefectural governor to the effect without delay.

Article 24-5 Beyond what is provided for in the preceding three Articles, the consumption of high pressure gases specified by Order of the Ministry of

Economy, Trade and Industry must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry with respect to the location of consumption, quantity, and other methods of consumption.

(Disposal)

Article 25 The disposal of high pressure gases specified by Order of the Ministry of Economy, Trade and Industry must be conducted in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry with respect to the place of disposal, quantity, and other methods of disposal.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 25-2 Beyond what is provided for in this Chapter, the procedure to obtain a license for production of high pressure gases, the procedure for completion inspection, and other necessary procedural matters for carrying out the provisions of this Chapter are prescribed by Order of the Ministry of Economy, Trade and Industry.

Chapter III Safety

(Hazard Prevention Rules)

Article 26 (1) A Class 1 producer must draw up hazard prevention rules describing the items specified by Order of the Ministry of Economy, Trade and Industry and must submit a notification report to the prefectural governor pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry. The above notification is required likewise for any alteration being made to the rules.

(2) The prefectural governor may order that the hazard prevention rules be amended if the governor deems it necessary to do so for the maintenance of public safety or the prevention of a disaster.

(3) A Class 1 producer and their employees must observe the hazard prevention rules.

(4) If a Class 1 producer or their employees do not observe the hazard prevention rules, the prefectural governor may order or recommend the Class 1 producer to observe the hazard prevention rules or to take necessary measures to make their employees observe the hazard prevention rules when the governor finds it necessary to do so for the maintenance of public safety or the prevention of disasters.

(Safety Training)

Article 27 (1) A Class 1 producer must prepare a safety training program for their employees.

(2) If the prefectural governor deems the safety training program insufficient as to the maintenance of public safety or the prevention of occurrence of a disaster, the governor may order that the safety training program in the preceding paragraph be amended.

(3) A Class 1 producer must conscientiously implement the safety training program.

(4) A Class 2 producer, owner or possessor of a Class 1 storage facility or Class 2 storage facility, seller, or specified high pressure gas consumer (referred to as "Class 2 producer, etc." in the following paragraph) must provide their employees with safety training.

(5) When the prefectural governor finds that a Class 1 producer is not conscientiously implementing the safety training program, and finds it necessary for the maintenance of public safety or for the prevention of disasters, or when it is found that the safety training provided by a Class 2 producer, etc. for employees is not sufficient for the maintenance of public safety or for the prevention of disasters, the governor may make a recommendation to the Class 1 producer or Class 2 producer, etc. to properly implement the safety training program or to provide safety training to employees or improve the contents or the delivery method of the safety training, respectively.

(6) To help prevent accidents and disasters due to high pressure gas, the Institute must draw up a safety training program under paragraph (1) or for the matters to be standers in conducting the safety training under paragraph (4) for each type of high pressure gas and must make them public.

(Safety Controllers, Safety Technical Managers, and Safety Workers)

Article 27-2 (1) The following persons must appoint a high pressure gas production safety controller (referred to below as a "safety controller") for each place of business in accordance with Order of the Ministry of Economy, Trade and Industry and must assign them to duties as provided for in Article 32, paragraph (1).

(i) A Class 1 producer that is prescribed under Article 5, paragraph (1), item (i) (except those otherwise specified by Order of the Ministry of Economy, Trade and Industry); or

(ii) A Class 2 producer that is prescribed under Article 5, paragraph (2), item (i) (except those whose daily production of high pressure gas does not exceed the volume specified by Order of the Ministry of Economy, Trade and Industry for each type of gas specified by Order of the Ministry of Economy, Trade and Industry or other persons specified by Order of the Ministry of

Economy, Trade and Industry).

- (2) A safety controller must be a person that generally manages all work at the assigned place of business.
- (3) For each place of business and in accordance with Order of the Ministry of Economy, Trade and Industry, a person referred to in paragraph (1), item (i) or (ii) must appoint a high pressure gas production safety technical manager (referred to below as a "safety technical manager") from among the holders of a high pressure gas production safety manager certificate (referred to below as a "production safety manager certificate") with considerable experience in the production of the high pressure gases specified by Order of the Ministry of Economy, Trade and Industry and assign them to duties as prescribed by Article 32, paragraph (2); provided, however, that this does not apply when the safety controller of the place of business is a holder of a production safety manager certificate as specified by Order of the Ministry of Economy, Trade and Industry and has experience in the production of the high pressure gases specified by Order of the Ministry of Economy, Trade and Industry in accordance with the place of business classification made by Order of the Ministry of Economy, Trade and Industry or when otherwise provided for in Order of the Ministry of Economy, Trade and Industry.
- (4) For each division of the facility for production as prescribed by Order of the Ministry of Economy, Trade and Industry and in accordance with Order of the Ministry of Economy, Trade and Industry, a person referred to in paragraph (1), item (i) or (ii) must appoint high pressure gas production safety workers (referred to below as "safety workers") from among the holders of a production safety manager certificate that have experience in producing the high pressure gases provided for in Order of the Ministry of Economy, Trade and Industry and assign them to duties as provided for in Article 32, paragraph (3).
- (5) Upon the appointment of a safety controller in accordance with the provisions of paragraph (1), a person referred to in item (i) or (ii) of the paragraph must submit a notification report to the prefectural governor without delay. The above provisions are likewise applicable when dismissing the safety controller from their duties.
- (6) A person referred to in paragraph (1), item (i) or (ii) must submit to the prefectural governor a notification report of the appointment or dismissal of a safety technical manager or safety workers in accordance with the provisions of paragraph (3) or (4) as specified by Order of the Ministry of Economy, Trade and Industry.
- (7) In accordance with Order of the Ministry of Economy, Trade and Industry, a person referred to in paragraph (1), item (i) or (ii) must have their safety workers take training courses given by the Institute or a designated training body under Article 31, paragraph (3) on the prevention of high pressure gas

accidents.

(Safety Chiefs and Safety Planning Promoters)

Article 27-3 (1) For each division of the production facility as divided by Order of the Ministry of Economy, Trade and Industry and in accordance with Order of the Ministry of Economy, Trade and Industry, those Class 1 producers referred to in paragraph (1), item (i) of the preceding Article whose daily production of high pressure gas is not less than the volume provided for in Order of the Ministry of Economy, Trade and Industry for each type of gas provided for in Order of the Ministry of Economy, Trade and Industry, must appoint a high pressure gas production safety chief (referred to below as a "safety chief") from among the holders of a production safety manager certificate that have experience in the production of high pressure gases specified by Order of the Ministry of Economy, Trade and Industry, and assign the chief to duties as provided for in Article 32, paragraph (4).

(2) For each place of business, a Class 1 producer as provided for in the preceding paragraph must appoint a high pressure gas production safety planning promoter (referred to below as a "safety planning promoter") from among those with the knowledge and experience of the safety of the production of high pressure gases specified by Order of the Ministry of Economy, Trade and Industry, and assign the promoter to duties as prescribed by Article 32, paragraph (5).

(3) The provisions of paragraph (6) of the preceding Article apply mutatis mutandis to the appointment or dismissal of a safety chief or a safety planning promoter and the provisions of paragraph (7) of the Article likewise apply to the training of these persons.

(Refrigeration Safety Managers)

Article 27-4 (1) For each place of business and in accordance with Order of the Ministry of Economy, Trade and Industry, the following persons must appoint a refrigeration safety manager from among the holders of the production safety manager certificate that have experience in the production of high pressure gases provided for in Order of the Ministry of Economy, Trade and Industry and assign the refrigeration safety manager to duties as provided for in Article 32, paragraph (6).

(i) A Class 1 producer that is provided for in Article 5, paragraph (1), item (ii) (excluding those whose facilities for production are those specified by Order of the Ministry of Economy, Trade and Industry or other persons specified by Order of the Ministry of Economy, Trade and Industry); or

(ii) A Class 2 producer who is provided for in Article 5, paragraph (2), item (ii) (excluding those whose daily refrigeration capacity does not exceed the figure

specified by Order of the Ministry of Economy, Trade and Industry, those whose facilities for production are those specified by Order of the Ministry of Economy, Trade and Industry or other persons specified by Order of the Ministry of Economy, Trade and Industry).

- (2) The provisions of Article 27-2, paragraph (5) apply mutatis mutandis to the appointment or dismissal of a refrigeration safety manager.

(Sales Chiefs and Operation Chiefs)

Article 28 (1) For each place of business and in accordance with Order of the Ministry of Economy, Trade and Industry, a seller (limited to a person selling high pressure gases provided for in Order of the Ministry of Economy, Trade and Industry; the same applies in Article 34) must appoint a high pressure gas sales chief (referred to below as "sales chief") from among the holders of a production safety manager certificate or high pressure gas sales chief certificate (referred to below as "sales chief certificate") who has experience in selling high pressure gas specified by Order of the Ministry of Economy, Trade and Industry, and assign the high pressure gas sales chief to duties as provided for in Article 32, paragraph (7).

- (2) For each place of business and in accordance with Order of the Ministry of Economy, Trade and Industry, any specified high pressure gas consumer must appoint a specified high pressure gas operation chief (referred to below as "operation chief") and assign the operation chief to duties as provided for in Article 32, paragraph (8).

- (3) The provisions of Article 27-2, paragraph (5) apply mutatis mutandis to the appointment or dismissal of a sales chief or an operation chief.

(Production Safety Manager Certificates and Sales Chief Certificates)

Article 29 (1) Production safety manager certificates are to be classified into Class A chemical manager certificate, Class B chemical manager certificate, Class C chemical manager certificate, Class A mechanical manager certificate, Class B mechanical manager certificate, Class 1 refrigeration mechanical manager certificate, Class 2 refrigeration mechanical manager certificate, and Class 3 refrigeration mechanical manager certificate, while sales chief certificates are to be classified into Class 1 sales chief certificate and Class 2 sales chief certificate.

- (2) The scope of duties that may be performed by a holder of a production safety manager certificate or sales chief certificate for the safety of production or sale of high pressure gas is provided for in Order of the Ministry of Economy, Trade and Industry for each classification of production safety manager certificates or sales chief certificates stated in the preceding paragraph.

- (3) The production safety manager certificate or sales chief certificate must only

be issued to a person who has passed a high pressure gas production safety manager examination (referred to below as a "production safety manager examination") or a high pressure gas sales chief examination (referred to below as "sales chief examination").

- (4) The Minister of Economy, Trade and Industry or the prefectural governor is not required to issue a production safety manager certificate or a sales chief certificate to a person falling under either of the following items:
- (i) A person who was ordered to return their production safety manager certificate or sales chief certificate and for whom two years have not passed from the date the order was given; or
 - (ii) A person who violated this Act or the LPG Act or an order pursuant to either of the Acts, who was sentenced to a fine or severer punishment, and two years have not passed from the date when the person completed or was no longer subject to punishment.
- (5) Procedural matters concerning the issuance of a production safety manager certificate or sales chief certificate, are to be specified by Order of the Ministry of Economy, Trade and Industry.

(Entrustment of Issuing Certificates)

Article 29-2 (1) Pursuant to Cabinet Order, the Minister of Economy, Trade and Industry and a prefectural governor may entrust the whole or a part of the services regarding the issuance of a production safety manager certificate and a sales chief certificate provided for in Chapter III (excluding the services regarding the return of a production safety manager certificate and a sales chief certificate and other services provided for in Cabinet Order; these services are referred to below as "the services regarding issuance of certificates") to a corporation specified by Order of the Ministry of Economy, Trade and Industry.

- (2) Current or past officials or employees of a corporation entrusted with the services regarding issuance of certificates under the provisions of the preceding paragraph must not leak any confidential matters gained in connection with the services regarding issuance of certificates in connection with the entrustment.

Article 30 If a holder of a production safety manager certificate or a sales chief certificate has violated this Act, the LPG Act, or an order pursuant to either Act, the Minister of Economy, Trade and Industry or the prefectural governor may order them to return their production safety manager certificate or sales chief certificate.

(Production Safety Manager Examination and Sales Chief Examination)

Article 31 (1) The production safety manager examination or the sales chief examination is to assess the knowledge and skills that are necessary for the production or sale of high pressure gas and the prevention of accidents due to high pressure gas.

(2) The production safety manager examination or the sales chief examination must be conducted by the Minister of Economy, Trade and Industry or prefectural governor at least once a year for each classification of the production safety manager certificates or the sales chief certificates as provided for in Article 29, paragraph (1).

(3) A person that has completed the training courses conducted under Order of the Ministry of Economy, Trade and Industry by the Institute or a body designated by the Minister of Economy, Trade and Industry (referred to below as a "designated training body") is exempt from the whole or a part of a production safety manager examination or a sales chief examination in accordance with Order of the Ministry of Economy, Trade and Industry.

(4) Beyond what is provided for in the preceding three paragraphs, test subjects, application procedures, and other particulars for the examinations as well as details for designation in the preceding paragraph are specified by Order of the Ministry of Economy, Trade and Industry.

Article 31-2 (1) The Minister of Economy, Trade and Industry (prefectural governor when the duties which fall under the authority of the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (2) of the preceding Article are performed by a prefectural governor as specified by Cabinet Order pursuant to the provisions of Article 78-4; the same applies in the following paragraph) or a prefectural governor may entrust the clerical work relating to the implementation of the production safety manager examination or the sales chief examination (referred to below as "examination services"), either wholly or partially, to the Institute or a examining body designated by the Minister of Economy, Trade and Industry (referred to below as a "designated examining body" except in the case of Article 59-9, items (vi)-3 in accordance with Order of the Ministry of Economy, Trade and Industry.

(2) The Minister of Economy, Trade and Industry or prefectural governor is not to conduct the examination services, either wholly or partially, once the service has either wholly or partially been entrusted to the Institute or a designated examining body in accordance with the preceding paragraph.

(3) If a prefectural governor (including a prefectural governor who performs the duties which fall under the authority of the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (2) of the preceding Article as specified by Cabinet Order pursuant to the provisions of Article 78-4; the same applies in Article 58-6, paragraph (2), Article 59-30-2, paragraph (2), and

Article 74-2, paragraph (2)) decides to no longer have the Institute or a designated examining body conduct the examination services which they have entrusted in accordance with paragraph (1), the governor must notify the Institute or the designated examining body to that effect at least 6 months before the implementation of the decision.

(Duties of Safety Controller)

Article 32 (1) A safety controller generally manages all work regarding the safety of production of high pressure gas.

- (2) A safety technical manager assists the safety controller and manages technical matters regarding the safety of production of high pressure gas.
- (3) A safety worker manages the maintenance of the production facility, monitors the production method, or other technical matters regarding the safety of production of high pressure gas specified by Order of the Ministry of Economy, Trade and Industry.
- (4) A safety chief assists a safety technical manager (in the place of business where no safety technical manager is appointed, a safety controller with respect to technical matters in the safety of production of high pressure gas) and leads safety workers.
- (5) A safety planning promoter assists a safety controller in planning and maintaining the hazard prevention rules, planning and promoting the safety training program and other work regarding the safety of production of high pressure gas as specified by Order of the Ministry of Economy, Trade and Industry.
- (6) A refrigeration safety manager manages the work regarding the safety of production of high pressure gas.
- (7) A sales chief manages the work regarding the safety of sale of high pressure gas.
- (8) An operation chief manages the work regarding the safety of consumption of specified high pressure gases.
- (9) A safety controller, safety technical manager, safety worker, safety chief, safety planning promoter, or refrigeration safety manager, or sales chief, or operation chief must perform their duties conscientiously.
- (10) A person engaged in the production, sales, or the consumption of specified high pressure gases must adhere to instructions given by a safety controller, safety technical manager, safety worker, safety chief, or refrigeration safety manager, or sales chief, or operation chief to ensure the enforcement of this Act or orders pursuant to the Act or directions for ensuring enforcement of the hazard prevention rules.

(Deputies for Safety Controllers)

Article 33 (1) In accordance with Order of the Ministry of Economy, Trade and Industry, a person listed in Article 27-2, paragraph (1), item (i) or (ii) or Article 27-4, paragraph (1), item (i) or (ii) appoints, in advance, a deputy who substitutes a safety controller, safety technical manager, safety worker, safety chief, or safety planning promoter, or refrigeration safety manager (referred to below collectively as "safety controller, etc."), and acts on behalf of the safety controller, etc. when they are absent from their duties due to a trip, sickness, or any other reasons. In this case, pursuant to Order of the Ministry of Economy, Trade and Industry, a deputy for the safety technical manager, safety worker, safety chief, or refrigeration safety manager, must be appointed from among the holders of a production safety manager certificate who has experience in producing high pressure gases specified by Order of the Ministry of Economy, Trade and Industry and a deputy for the safety planning promoter must be appointed from among those with the knowledge and experience in the safety of production of high pressure gases specified by Order of the Ministry of Economy, Trade and Industry under Article 27-3, paragraph (2).

(2) When performing the duties of the safety controller, etc., the deputy stated in the preceding paragraph is regarded as the safety controller, etc., with regard to the application of the provisions of this Act.

(3) The provisions of Article 27-2, paragraph (5) apply mutatis mutandis to the appointment or dismissal of a deputy for the safety controller or refrigeration safety manager under paragraph (1).

(Order to Dismiss Safety Controllers)

Article 34 When a prefectural governor finds that a safety controller, etc. or any deputy, a sales chief or an operation chief has violated any provisions of this Act or any order pursuant to it, or they find that the performance by the above person may interfere with the maintenance of public safety or the prevention of disasters, the governor, may order the person listed in Article 27-2, paragraph (1), item (i) or (ii) or Article 27-4, paragraph (1), item (i) or (ii), a seller or specified high pressure gas consumer to dismiss the safety controller, etc. or deputy, sales chief, or operation chief.

(Safety Inspections)

Article 35 (1) A Class 1 producer must receive a safety inspection conducted by the prefectural governor with respect to a facility for production for which there is a possibility of explosions or other disasters due to high pressure gas (limited to those facilities specified by Order of the Ministry of Economy, Trade and Industry; referred to below as a "specified facility"), periodically and in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply to either of the following

cases:

- (i) when the safety inspection of a specified facility provided by Order of the Ministry of Economy, Trade and Industry has been conducted by the Institute or a body designated by the Minister of Economy, Trade and Industry (referred to below as a "designated safety inspection body") pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and a notification report has been submitted to the prefectural governor; or
 - (ii) when a person accredited by the Minister of Economy, Trade and Industry as qualified to implement a safety inspection related to a specified facility by themselves (referred to below as an "accredited safety inspector") submits to the prefectural governor inspection records regarding the specified facility for which the accreditation for safety inspection is given in accordance with the provisions of Article 39-11, paragraph (2).
- (2) The safety inspection stated in the preceding paragraph must be conducted to determine whether or not the specified facility conforms to the technical standards under Article 8, item (i).
 - (3) The Institute or the designated safety inspection body which conducts a safety inspection as provided for in paragraph (1), item (i) must report its result to the prefectural governor without delay.
 - (4) The method of safety inspection to be conducted by the prefectural governor, the Institute, or a designated safety inspection body under paragraph (1) is specified in Order of the Ministry of Economy, Trade and Industry.

(Scheduled Self-Inspections)

Article 35-2 In accordance with the provisions of Order of the Ministry of Economy, Trade and Industry, with respect to a facility for production or consumption specified by Order of the Ministry of Economy, Trade and Industry, a Class 1 producer, a Class 2 producer using equipment accredited under Article 56-7, paragraph (2), or a Class 2 producer that daily produces the volume of high pressure gas for each type of gas specified by Order of the Ministry of Economy, Trade and Industry or produces more (or the value of daily refrigerating capacity specified by Order of the Ministry of Economy, Trade and Industry for a person provided for in Article 5, paragraph (2), item (ii)) or a specified high pressure gas consumer is to conduct a self-inspection periodically for safety, and must prepare and keep inspection records.

(Measures Taken to Prevent Disaster, and Reporting)

Article 36 (1) When a production facility, storage, or sales facility of high pressure gas or facility for consumption of specified high pressure gas, or a container filled with high pressure gas falls into a dangerous state, the owner

or possessor of the facility, or container must promptly take immediate measures specified by Order of the Ministry of Economy, Trade and Industry to prevent a disaster.

- (2) A person discovering a dangerous situation described in the preceding paragraph must immediately report it to the prefectural governor, a police officer, or a firefighter or a fire corps volunteer, or a coast guard officer.

(Restricted Use of Fire and Flammable Materials)

Article 37 (1) No person must use fire in a location designated by a Class 1 or Class 2 producer, an owner or possessor of a Class 1 or Class 2 storage facility, a seller, or a specified high pressure gas consumer, or a LPG seller under Article 6 of the LPG Act in a place of business under Article 5, paragraph (1) or (2), or a Class 1 or Class 2 storage location, a sales location under Article 20-4 (except a sales location under item (ii) of the Article), a business location under Article 24-2, paragraph (1), or a sales location under Article 3, paragraph (2), item (ii) of the LPG Act.

- (2) No person with any flammable material, must enter any location prescribed in the preceding paragraph without the consent of a Class 1 or Class 2 producer, owner or possessor of a Class 1 or Class 2 storage facility, a seller, a specified high pressure gas consumer, or an LPG seller under Article 6 of the LPG Act.

(Revocation of License)

Article 38 (1) When a Class 1 producer or owner or possessor of a Class 1 storage facility falls under any of the following items, the prefectural governor may revoke a license under Article 5, paragraph (1) or Article 16, paragraph (1), or order them to suspend production or storage for a specified period; provided, however, that item (vi) below does not apply to any owner or possessor of a Class 1 storage facility:

- (i) when a person has violated an order pursuant to Article 11, paragraph (3), Article 15, paragraph (2), Article 18, paragraph (3), Article 26, paragraph (2) or (4), Article 27, paragraph (2), Article 34 or Article 39, item (i) or (iii) or a prohibition or restriction pursuant to the provisions of Article 39, item (ii);
- (ii) when a person has conducted the matter for which a license is required pursuant to the provisions of Article 14, paragraph (1) or Article 19, paragraph (1) without the required license;
- (iii) when a person has used the production facility of high pressure gas or a Class 1 storage facility without undergoing a completion inspection under Article 20, paragraph (1) or (3) or without performing a completion inspection under Article 39-22, paragraph (1);
- (iv) when a person has violated the provisions of Article 27-2, paragraph (1), (3),

- (4), or (7) (including when applied *mutatis mutandis* pursuant to Article 27-3, paragraph (3) of Article 27-3), Article 27-3, paragraph (1) or (2), or Article 27-4, paragraph (1);
 - (v) when a person has violated the conditions a license under Article 65, paragraph (1); or
 - (vi) when a person has come under Article 7, items (ii) through (iv).
- (2) When a Class 2 producer, an owner or possessor of a Class 2 storage facility, a seller or a specified high pressure gas consumer comes under any of the following items, the prefectural governor may order them to suspend production, storage, sales, or consumption for a specified period:
- (i) when a person has violated any order pursuant to Article 12, paragraph (3), Article 15, paragraph (2), Article 18, paragraph (3), Article 20-6, paragraph (2), Article 24-3, paragraph (3), Article 34, or Article 39, item (i) or (iii), or a prohibition or restriction pursuant to the provisions of item (ii) of the Article; or
 - (ii) when a person has violated the provisions of Article 28, paragraph (1) or (2).

(Emergency Measures)

Article 39 The Minister of Economy, Trade and Industry or the prefectural governor may take the following measures when they find it urgently necessary to do so for the maintenance of public safety or the prevention of disasters:

- (i) to order a Class 1 or Class 2 producer, an owner or possessor of a Class 1 or Class 2 storage facility, a seller, a specified high pressure gas consumer, or an LPG seller under Article 6 of the LPG Act, or a filler under Article 37-4, paragraph (3) of the LPG Act to temporarily suspend the whole or a part of use of a production facility, a Class 1 or Class 2 storage facility, a sales location, or a facility for consuming specified high pressure gas;
- (ii) to temporarily prohibit or restrict a Class 1 or Class 2 producer, an owner or possessor of a Class 1 or Class 2 storage facility, a seller, a specified high pressure gas consumer, an LPG seller under Article 6 of the LPG Act, a filler under Article 37-4, paragraph (3) of the LPG Act, or any other person handling high pressure gas from engaging in production, delivery, storage, transportation, consumption, or disposal; or
- (iii) to order the owner or possessor of high pressure gas or its container to dispose or change the location of the gas or its container.

Chapter III-2 Accreditation Regarding Completion Inspection and Safety Inspection

(Accreditation Regarding Completion Inspection)

Article 39-2 (1) The accreditation provided for in Article 20, paragraph (3), item

- (ii) is established accommodating an application filed by a Class 1 producer or an owner or possessor of a Class 1 storage facility that intends to conduct a completion inspection regarding the specified modification work (limited to the types of work specified by Order of the Ministry of Economy, Trade and Industry; the same applies in this Chapter) by themselves for each place of business under Article 5, paragraph (1) or Class 1 storage facility pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) The application stated in the preceding paragraph must be made with a clear description of the specified modification work for which they intend to conduct a completion inspection.

(Accreditation Standards Regarding Completion Inspection)

Article 39-3 (1) The Minister of Economy, Trade and Industry must not grant the accreditation unless they find that the application made under paragraph (1) of the preceding Article falls under all of the following items:

- (i) the organization to conduct the completion inspection of the specified modification work conforms to the standards specified by Order of the Ministry of Economy, Trade and Industry;
 - (ii) codes specifying the method of completion inspection of the specified modification work (referred to below as "completion inspection rules") have been prepared and the method of the completion inspection specified conforms to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 20, paragraph (5); and
 - (iii) persons who that have the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry conduct the completion inspection of the specified modification work and the number of the persons is equal to or more than the number specified by Order of the Ministry of Economy, Trade and Industry.
- (2) A person that has made an application provided for in paragraph (1) of the preceding Article must undergo inspection by the Minister of Economy, Trade and Industry regarding the organization and the method for completion inspection of the specified modification work; provided, however, that this does not apply when the application under the paragraph is accompanied by the document referred to in Article 39-7, paragraph (2).

(Accreditation Regarding Safety Inspection)

Article 39-4 (1) The accreditation provided for in Article 35, paragraph (1), item (ii) is established accommodating an application filed by a Class 1 producer that intends to conduct a safety inspection by themselves on the specified facility (limited to those specified by Order of the Ministry of Economy, Trade and Industry; the same applies throughout this Chapter) for each of place of

business under Article 5, paragraph (1) pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

- (2) The application in the preceding paragraph must be made with an identified specified facility to be self-inspected for safety purposes.

(Accreditation Standards Regarding Safety Inspection)

Article 39-5 (1) The Minister of Economy, Trade and Industry must not grant the accreditation unless they find the application made under paragraph (1) of the preceding Article falls under any of the following items.

- (i) the organization to conduct a safety inspection of a specified facility conforms to the standards specified by Order of the Ministry of Economy, Trade and Industry;
 - (ii) rules specifying the method of safety inspection of a specified facility (referred to below as "safety inspection rules") have been established and the method of the safety inspection conforms to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 35, paragraph (4); and
 - (iii) persons who have the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry conduct the safety inspection of the specified facilities and the number of the persons is equal to or more than the number specified by Order of the Ministry of Economy, Trade and Industry.
- (2) A person that has made an application provided for in paragraph (1) of the preceding Article must undergo inspection by the Minister of Economy, Trade and Industry regarding the organization for safety inspection and the method of safety inspection of the specified facility; provided, however, that this does not apply when the application under the paragraph is accompanied by the document referred to in Article 39-7, paragraph (4).

(Disqualification Clause)

Article 39-6 (1) A person falling under any of the following items is disqualified from receiving accreditation under Article 20, paragraph (3), item (ii) and Article 35, paragraph (1), item (ii):

- (i) a person for whom two years have not yet passed from the date of the commencement of production of high pressure gas;
- (ii) a Class 1 producer for whom two years have not yet passed from the date of an accident involving high pressure gas at their business location;
- (iii) an owner or possessor of a Class 1 storage facility for whom two years have not yet passed from the date of an accident involving high pressure gas at their Class 1 storage facility;
- (iv) a person that violated this Act or an order pursuant to this Act, was

- sentenced to a fine or severer punishment, and for whom two years have not passed from the date when the person completed or was no longer subject to punishment;
- (v) a person for whom two years have not yet passed from the date of revocation of accreditation under Article 20, paragraph (3), item (ii) or Article 35, paragraph (1), item (ii) pursuant to the provisions of Article 39-12, paragraph (1); or
- (vi) a corporation, for which any of its officers engaged in the business fall under either of the preceding item (iv) or item (v).
- (2) The provisions of item (i) of the preceding paragraph do not apply to a person that has received the delivery of the whole or a part of the production facility from a Class 1 producer and that has been conferred the license under Article 5, paragraph (1), if two years have passed since the date of notification of the commencement of production of high pressure gas by the Class 1 producer at the facility pursuant to the provisions of Article 21, paragraph (1).

(Investigation by the Institute)

- Article 39-7 (1) A Class 1 producer or the owner or possessor of a Class 1 storage facility may request the Institute or a person designated by the Minister of Economy, Trade and Industry to conduct an investigation on the organization and method of completion inspection at the place of business under Article 5, paragraph (1) or at a Class 1 storage facility in relation to the application for accreditation referred to in Article 20, paragraph (3), item (ii).
- (2) When the Institute or a person designated by the Minister of Economy, Trade and Industry in the preceding paragraph finds that the organization for completion inspection and method of completion inspection at the place of business under Article 5, paragraph (1) or a Class 1 storage facility for which it has conducted the investigation referred to in the preceding paragraph, conforms to the standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 39-3, paragraph (1), item (i) and the method of inspection specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 20, paragraph (5), the Institute or the person must issue a document to that effect.
- (3) A Class 1 producer may request the Institute or a person designated by the Minister of Economy, Trade and Industry to conduct an investigation on the organization for safety inspection and the method of safety inspection at the place of business under Article 5, paragraph (1) in relation to the application for accreditation referred to in Article 35, paragraph (1), item (ii).
- (4) When the Institute or a person designated as referred to in the preceding paragraph finds that the organization for safety inspection and method of safety inspection at the place of business under Article 5, paragraph (1) for

which it has conducted the investigation referred to in the preceding paragraph conform to the standards specified by Order of the Ministry of Economy, Trade and Industry, referred to in Article 39-5, paragraph (1), item (i) and the method of inspection referred to in Article 35, paragraph (4) specified by Order of the Ministry of Economy, Trade and Industry, the Institute or the person must issue a document to that effect.

(Renewal of Accreditation)

- Article 39-8 (1) The accreditation referred to in Article 20, paragraph (3), item (ii) or Article 35, paragraph (1), item (ii) ceases to be effective with the lapse of a period of five years or more and ten years or less specified by Cabinet Order unless it is renewed by the end of every accreditation period.
- (2) The provisions of Article 39-2, Article 39-3, and paragraphs (1) and (2) of the preceding Article apply mutatis mutandis to the renewal of accreditation provided for in Article 20, paragraph (3), item (ii).
- (3) The provisions of Article 39-4, Article 39-5 and paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to the renewal of accreditation provided for in Article 35, paragraph (1), item (ii).

(Notification Reports of Change)

- Article 39-9 (1) When any change has taken place in the organization or method in conducting for performing completion inspection, an accredited completion inspector must inform the Minister of Economy, Trade and Industry without delay.
- (2) When any change has taken place in the organization or method in conducting safety inspection, an accredited safety inspector must inform the Minister of Economy, Trade and Industry without delay.

(Duty of Accredited Persons)

- Article 39-10 (1) When an accredited completion inspector conducts an accredited completion inspection regarding the specified modification work, the inspector must follow the completion inspection rules and must assign the work of completion inspection to a person with the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry under Article 39-3, paragraph (1), item (iii).
- (2) An accredited completion inspector must prepare and store inspection records describing the items specified by Order of the Ministry of Economy, Trade and Industry, and must promptly submit them to the Minister of Economy, Trade and Industry when so requested by the Minister.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to an accredited safety inspector. In this case, the phrase "an accredited completion

inspection regarding the specified modification work" in paragraph (1) is deemed to be replaced with "safety inspection regarding specified facilities", the phrase "completion inspection rules" in paragraph (1) is deemed to be replaced with "safety inspection rules" and the phrase "Article 39-3, paragraph (1), item (iii)" is deemed to be replaced with "Article 39-5, paragraph (1), item (iii)".

(Notification Reports of Inspection Records)

Article 39-11 (1) When an accredited completion inspector has conducted a completion inspection regarding accredited specified modification work in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 20, paragraph (5) and has confirmed that the production facility or a Class 1 storage facility conforms to the technical standards under Article 8, item (i) or Article 16, paragraph (2), the inspector may submit a notification report of the inspection records describing those matters specified by Order of the Ministry of Economy, Trade and Industry to the prefectural governor.

(2) When an accredited safety inspector has conducted safety inspection regarding an accredited specified facility in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 35, paragraph (4) and has confirmed that the production facility conforms to the technical standards under Article 8, item (i), the inspector may submit a notification report of the inspection records describing the matters specified by Order of the Ministry of Economy, Trade and Industry to the prefectural governor.

(Revocation of Accreditation)

Article 39-12 (1) If either an accredited completion inspector or an accredited safety inspector falls under one of the following items, the Minister of Economy, Trade and Industry may revoke the accreditation under Article 20, paragraph (3), item (ii) or Article 35, paragraph (1), item (ii):

- (i) when an accident caused by high pressure gas takes place at the accredited place of business referred to in Article 5, paragraph (1) or an accredited Class 1 storage facility;
- (ii) when a fire or any other accident which could lead to the occurrence of an accident involving high pressure gas takes place at the accredited place of business referred to in Article 5, paragraph (1) or an accredited Class 1 storage facility;
- (iii) when an emergency measure to prevent the occurrence of an accident specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 36, paragraph (1) is not taken or a notification report required

- under paragraph (2) of the Article is not submitted;
 - (iv) when an order to suspend the production or storage of high pressure gas is issued by the prefectural governor in accordance with the provisions of Article 38, paragraph (1);
 - (v) when a measure is taken by the prefectural governor pursuant to Article 39, item (i) or (ii);
 - (vi) when it is found that the provisions of any item of Article 39-3, paragraph (1) or any item of paragraph (1) of Article 39-5 are not met;
 - (vii) when a false notification report is submitted under the provisions of paragraph (1) or (2) of the preceding Article;
 - (viii) when the request by the Minister of Economy, Trade and Industry to submit inspection records under the provisions of Article 39-10, paragraph (2) (including cases when applied *mutatis mutandis* pursuant to paragraph (3) of the Article) is not complied with;
 - (ix) when the provisions of Article 39-6, paragraph (1), item (iv) or (vi) become relevant; or
 - (x) when the accreditation under Article 20, paragraph (3), item (ii) or Article 35, paragraph (1), item (ii) or its renewal is obtained by wrongful means.
- (2) When the license under Article 5, paragraph (1) or Article 16, paragraph (1) is revoked pursuant to the provisions of Article 38, paragraph (1), the accreditation under Article 20, paragraph (3), item (ii) and Article 35, paragraph (1), item (ii) regarding the place of business under Article 5, paragraph (1) or a Class 1 storage facility for which the license is revoked, ceases to be effective.
- (3) When an accredited completion inspector or accredited safety inspector receives accreditation under the following Article, the accreditation of the accredited completion inspector under Article 20, paragraph (3), item (ii), or the accreditation of the accredited safety inspector under Article 35, paragraph (1), item (ii) ceases to be effective.

Chapter III-3 Accredited Advanced Safety Providers

(Accreditation)

Article 39-13 A Class 1 producer may receive accreditation from the Minister of Economy, Trade and Industry to the effect that the Class 1 producer is recognized as being able to ensure a high degree of safety (referred to below simply as "accreditation" in this Chapter) at each place of business relating to the license specified in Article 5, paragraph (1) pursuant to Order of the Ministry of Economy, Trade and Industry.

(Standards for Accreditation)

Article 39-14 (1) The Minister of Economy, Trade and Industry must not grant accreditation unless the Minister finds that the application for accreditation falls under all of the following items:

- (i) the organization that ensures safety has mechanisms for continuously improve its ability to execute business and is in compliance with other standards established by Order of the Ministry of Economy, Trade and Industry; and
 - (ii) the method for ensuring safety adapts advanced information and communications technology and is in compliance with other standards established by Order of the Ministry of Economy, Trade and Industry.
- (2) A person that applies for accreditation must undergo an inspection, performed by the Minister of Economy, Trade and Industry, of the organization that ensures safety and the methods for ensuring safety; provided, however, that in the case when the person undergoes an investigation performed by the Institute specified in Article 39-16, paragraph (1) or by a person designated by the Minister of Economy, Trade and Industry, the inspection items completed specified above need not be performed.

(Disqualification Clause)

Article 39-15 (1) A person that falls under any of the following items may not be accredited:

- (i) a person for whom two years have not yet passed from the date of commencement of production of high pressure gas at the place of business related to the application for accreditation;
 - (ii) a person for whom two years have not yet passed from the date of an accident involving high pressure gas at the place of business related to the application for accreditation;
 - (iii) a person that violated this Act or violated an order pursuant to this Act, was sentenced to a fine or severer punishment, and for whom two years have not passed from the date when the person has completed or was no longer subject to punishment;
 - (iv) a person for whom two years have not yet passed from the date of revocation of accreditation pursuant to the provisions of Article 39-20, paragraph (1); or
 - (v) a corporation, for which any of its officers engaged in the business fall under either of the preceding two items.
- (2) The provisions of item (i) of the preceding paragraph do not apply in the case of a succession of status as a Class 1 producer specified in the provisions of Article 10, paragraph (1) if two years have passed since the date of notification of the commencement of production of high pressure gas by the Class 1 producer pursuant to the provisions of Article 21, paragraph (1).

(Investigations by the Institute)

Article 39-16 (1) When the Minister of Economy, Trade and Industry conducts an investigation specified in Article 39-14, paragraph (2) and determines that the confirmation of specialized technical matters is necessary, the Minister may specify the scope and seek the opinions of a designated person specified in the proviso of the paragraph or the Institute whether the relevant application is in compliance with the standards prescribed in Order of the Ministry of Economy, Trade and Industry specified in each item of paragraph (1) of the Article or request an investigation.

(2) If the Minister of Economy, Trade and Industry determines that the confirmation specified in the preceding paragraph is necessary, the Minister is to promptly notify the applicant to that effect.

(Renewal of Accreditation)

Article 39-17 (1) Accreditation ceases to be effective upon the lapse of an accreditation period specified by Cabinet Order within the period of five years or more and ten years or less unless renewed by the end of every accreditation period.

(2) The provisions of Article 39-13, Article 39-14 and the preceding Article apply mutatis mutandis to the renewal of accreditation provided for in the preceding paragraph. In this case, the phrase "of the organization" in Article 39-14, paragraph (2) is replaced with "if notification has been received from the Minister of Economy, Trade and Industry requiring an inspection of the organization".

(Notification of Changes)

Article 39-18 A Class 1 producer that has received accreditation (referred to below as an "accredited advanced safety provider") must submit notification of any change which has occurred to the organization that ensures safety and the method for ensuring safety to the Minister of Economy, Trade and Industry without delay.

(Succession)

Article 39-19 (1) When a succession of the status as a Class 1 producer occurs pursuant to the provisions of Article 10, paragraph (1), if the relevant Class 1 producer is an accredited advanced safety provider, the person (limited to an accredited advanced safety provider) that has succeeded to the status of the Class 1 producer succeeds to the status as an accredited advanced safety provider; provided, however, that this does not apply if the successor to the status as a Class 1 producer falls under any of the following items.

- (i) if two years have not yet passed from the date of an accident involving high pressure gas at the place of business related to the accreditation; or
 - (ii) If the Class 1 producer falls under any of Article 39-15, paragraph (1), items (iii) through (v).
- (2) A person that has succeeded to the status of an accredited advanced safety provider pursuant to the provisions of the preceding paragraph must submit a notification report of the succession to the Minister of Economy, Trade and Industry as specified by Order of the Ministry of Economy, Trade and Industry without delay.

(Revocation of Accreditation)

Article 39-20 (1) In the event that an accredited advanced safety provider falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the accreditation:

- (i) when an accident caused by high pressure gas takes place at the place of business related to the accreditation;
 - (ii) when a fire or any other accident which could lead to the occurrence of an accident involving high pressure gas takes place at the place of business related to the accreditation;
 - (iii) when an emergency measure to prevent the occurrence of an accident specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 36, paragraph (1) is not taken or a notification report required under paragraph (2) of the Article is not submitted;
 - (iv) when an order to suspend the production of high pressure gas is issued by the prefectural governor in accordance with the provisions of Article 38, paragraph (1);
 - (v) when a measure referred to Article 39, item (i) or (ii) is taken by the prefectural governor;
 - (vi) when it is found that the provisions of any item of Article 39-14, paragraph (1) is not met;
 - (vii) when the provisions of Article 39-15, paragraph (1), item (iii) or (v) come to apply; or
 - (viii) when the accreditation or its renewal is obtained by wrongful means.
- (2) If the license specified in Article 5, paragraph (1) is revoked pursuant to the provisions of Article 38, paragraph (1), the accreditation related to the place of business for which the license is revoked ceases to be effective.

(Special Provisions for Change of Facilities for Production)

Article 39-21 (1) When an accredited advanced safety provider intends to perform the construction to change the facility or change the method of production as specified in the provisions of Article 14, paragraph (1) (excluding

important matters specified by Order of the Ministry of Economy, Trade and Industry), notwithstanding the provisions of that paragraph, the license specified in that paragraph need not be obtained. In this case, after completion of the construction to change the facility (excluding minor construction specified in the proviso of that paragraph) or after the change of production method (excluding minor changes prescribed by Order of the Ministry of Economy, Trade and Industry), the accredited advanced safety provider must submit notification to that effect to the prefectural governor without delay.

- (2) When an accredited advanced safety provider performs minor construction specified in the proviso of Article 14, paragraph (1), notwithstanding the provisions of paragraph (2) of that Article, the notification specified in that paragraph need not be submitted. In this case, the accredited advanced safety provider must keep record related to that construction and retain the record pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (3) When an accredited advanced safety provider makes a minor change to the method of production prescribed by Order of the Ministry of Economy, Trade and Industry specified in paragraph (1), the accredited advanced safety provider must prepare records of the change of the production method and retain those records pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Special Provisions on Completion Inspections)

Article 39-22 (1) When an accredited advanced safety provider completes the designated modification work, notwithstanding the provisions of Article 20, paragraph (3), a completion inspection of the production facility performed by the prefectural governor as specified in that paragraph is not required. In this case, the accredited advanced safety provider performs their own completion inspection of the relevant facility as prescribed by Order of the Ministry of Economy, Trade and Industry, and may not use the facility until after confirming that it complies with the technical standards under Article 8, item (i).

- (2) Upon conducting the completion inspection provided in the preceding paragraph, an accredited advanced safety provider must prepare an inspection record describing the items specified by Order of the Ministry of Economy, Trade and Industry and must retain the record.

(Special Provisions Concerning Hazard Prevention Rules)

Article 39-23 When an accredited advanced safety provider establishes or revises hazard prevention rules, despite the provisions of Article 26, paragraph (1) the notification specified in that paragraph is not required. In this case, the

accredited advanced safety provider must retain the hazard prevention rules as specified by Order of the Ministry of Economy, Trade and Industry and must promptly submit the rules to the prefectural governor when so requested by the governor.

(Special Provisions Concerning Safety Controllers, Safety Technical Managers, and Safety Workers)

Article 39-24 (1) Notwithstanding the provisions of Article 27-2, paragraph (4) an accredited advanced safety provider (limited to those persons specified in Article 27-2, paragraph (1), item (i); the same applies in the following paragraph) does not need to appoint safety workers specified in the provisions of paragraph (4) of that Article for each category for production facility as prescribed by Order of the Ministry of Economy, Trade and Industry specified in that paragraph.

(2) Notwithstanding the provisions of Article 27-2, paragraph (5) or paragraph (6) an accredited advanced safety provider does not need to submit the notification specified in those provisions related to the appointment or dismissal of safety controllers, safety technical managers, and safety workers pursuant to the provisions of Article 27-2, paragraph (1), paragraph (3), or paragraph (4). In this case, the accredited advanced safety provider must prepare and maintain record of the appointment and dismissal pursuant to Order of the Ministry of Economy, Trade and Industry.

(Special Provisions Concerning Safety Chiefs and Safety Planning Promoters)

Article 39-25 (1) Notwithstanding the provisions of Article 27-3, paragraph (1) an accredited advanced safety provider (limited to a Class 1 producer specified in Article 27-3, paragraph (1); the same applies in the following paragraph) does not need to categorize production facility as prescribed by Order of the Ministry of Economy, Trade and Industry specified in that paragraph with respect to the appointment of the Safety Chief specified in paragraph (1) of that Article.

(2) An accredited advanced safety provider does not need to submit a notification specified in the provisions related to the appointment or dismissal of a safety chief and safety planning promoter pursuant to the provisions of Article 27-3, paragraph (1) or paragraph (2) notwithstanding the provisions of Article 27-2, paragraph (6) applicable mutatis mutandis pursuant to Article 27-3, paragraph (3). In this case, the accredited advanced safety provider must prepare and maintain record of the appointment and dismissal pursuant to Order of the Ministry of Economy, Trade and Industry.

(Special Provisions Concerning Refrigeration Safety Managers)

Article 39-26 Notwithstanding the provisions of Article 27-2, paragraph (5) applicable mutatis mutandis pursuant to Article 27-4, paragraph (2) an accredited advanced safety provider (limited to a person specified in Article 27-4, paragraph (1), item (i)) does not need to submit a notification specified in the provisions of Article 27-2, paragraph (5) related to the appointment or dismissal of a refrigeration safety manager pursuant to the provisions of Article 27-4, paragraph (1). In this case, the accredited advanced safety provider must prepare and maintain records of the appointment and dismissal pursuant to Order of the Ministry of Economy, Trade and Industry.

(Special Provisions Concerning Safety Inspection)

Article 39-27 (1) Notwithstanding the provisions of Article 35, paragraph (1), an accredited advanced safety provider does not need to undergo a safety inspection of the designated facility performed by the prefectural governor as specified in that paragraph. In this case, the accredited advanced safety provider must conduct self-safety inspections to determine whether the designated facility is in compliance with the technical standards specified in Article 8, item (i), prepare record of the inspections, and maintain the record pursuant to Order of the Ministry of Economy, Trade and Industry.

(2) The provisions of Article 35-2 do not apply to an accredited advanced safety provider.

Chapter IV Containers

Section 1 Containers and Accessories

Article 40 Deleted

(Method of Manufacturing)

Article 41 (1) A person engaged in the business of manufacturing containers to be filled with high pressure gas (these containers are referred to below simply as "containers" and the person engaged in the business of manufacturing them is referred to as a "container manufacturer" respectively) must manufacture containers in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(2) If the method of manufacturing used by a container manufacturer is found to fail to conform to the technical standards stated in the preceding paragraph, the Minister of Economy, Trade and Industry may order the container manufacturer to manufacture the containers in accordance with the technical standards.

Article 42 Deleted

Article 43 Deleted

(Container Inspections)

Article 44 (1) No person that has manufactured or imported containers may transfer or deliver the containers unless they have passed the container inspection conducted by the Minister of Economy, Trade and Industry, the Institute, or a body designated by the Minister of Economy, Trade and Industry (referred to below as a "designated container inspection body") in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry and having the stamp pursuant to paragraph (1) of the following Article or displaying the mark pursuant to paragraph (2) of the Article to indicate their having successfully passed the inspection if this does not apply to containers falling under any of the following items:

- (i) containers (except those specified by Order of the Ministry of Economy, Trade and Industry) which are manufactured by a container manufacturer registered under Article 49-5, paragraph (1) (referred to below as a "registered container manufacturer") displaying either the seal under Article 49-25, paragraph (1) or the mark under paragraph (2) of the Article;
 - (ii) containers (except those specified by Order of the Ministry of Economy, Trade and Industry referred to in the preceding item) which are manufactured by a manufacturer registered under Article 49-31, paragraph (1) engaged in the business of manufacturing containers abroad to be exported to Japan (referred to below as a "registered foreign container manufacturer") and which are displaying either the stamp under Article 49-25, paragraph (1) or the mark under paragraph (2) of the Article that applies *mutatis mutandis* pursuant to Article 49-33, paragraph (2);
 - (iii) containers which are manufactured for export or other usages to be specified by Order of the Ministry of Economy, Trade and Industry; or
 - (iv) imported containers that are filled with high pressure gas and remain to be filled with high pressure gas.
- (2) A person that intends to undergo the container inspection stated in the preceding paragraph must declare the type and the level of pressure of the high pressure gas to be filled with.
- (3) With respect to the container that has been manufactured not for repeated filling of high pressure gas (referred to below as a "non-refillable container"), a person that intends to undergo the container inspection pursuant to paragraph (1) must make it clear that the container is a non-refillable container.
- (4) With respect to the container inspection under paragraph (1), the container is to pass the container inspection if it conforms to the specifications for each type and the level of pressure of high pressure gas specified by Order of the

Ministry of Economy, Trade and Industry.

(Stamping)

- Article 45 (1) When a container has successfully passed the container inspection, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection body must promptly stamp each container in accordance with Order of the Ministry of Economy, Trade and Industry, except the container that is outside the specifications prescribed by Order of the Ministry of Economy, Trade and Industry as difficult to grant a stamp of approval.
- (2) When a container has successfully passed the container inspection, if the container is one specified by Order of the Ministry of Economy, Trade and Industry stated in the preceding paragraph, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection body must promptly attach a mark to each container in accordance with Order of the Ministry of Economy, Trade and Industry.
- (3) Except as provided for in the preceding two paragraphs, Article 49-25, paragraph (1) (including when applied mutatis mutandis pursuant to Article 49-33, paragraph (2); the same applies to item (iii) of paragraph (1) of the following Article), Article 49-25, paragraph (2) (including when applied mutatis mutandis pursuant to Article 49-33, paragraph (2); the same applies to item (iii) of paragraph (1) of the following Article) or Article 54, paragraph (2), no person must put a seal on a container as specified in paragraph (1) or attach a mark as specified in the preceding paragraph (referred to below as "stamp, etc.") or a stamp that could be mistaken with the proper stamp or mark.

(Marking)

- Article 46 (1) An owner of containers must clearly mark each container without delay in accordance with Order of the Ministry of Economy, Trade and Industry in any of the following cases. The same applies when the marking has been lost.
- (i) when a container has been stamped, etc.;
 - (ii) when a container has been sealed pursuant to Article 49-25, paragraph (1) or a mark is attached pursuant to paragraph (2) of the Article; or
 - (iii) when a container having a stamp under Article 49-25, paragraph (1) or a mark under paragraph (2) of the Article (referred to below as "self-inspection stamp, etc.") is imported.
- (2) A person that has imported containers (limited to those containers that are filled with high pressure gas, except those specified by Order of the Ministry of Economy, Trade and Industry) must clearly mark each container without delay in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry after the containers have passed the inspection under Article 22, paragraph (1). The same applies when the marking has been lost.

- (3) Except as provided for in the preceding two paragraphs or Article 54, paragraph (3), it is prohibited for any person to mark a container as prescribed in the preceding two paragraphs or make any misleading marking which can be confused with the proper marking.

Article 47 (1) Any transferee of containers (except those containers specified by Order of the Ministry of Economy, Trade and Industry as referred to in paragraph (2) of the preceding Article and those scrapped or disposed containers so that they cannot be used) must clearly mark each container without delay in accordance with Order of the Ministry of Economy, Trade and Industry. The same requirement applies when the marking has been lost.

- (2) Except as provided for in the preceding paragraph, any person must not mark a container as in the paragraph or make any similar marking which can be misleading with the proper marking.

(Filling)

Article 48 (1) When filling a container (except non-refillable containers; the same applies throughout this paragraph) with high pressure gas, the container must conform to all the following requirements:

- (i) the container is stamped, etc. or marked with a self-inspection stamp, etc.;
- (ii) the container having the marking under Article 46, paragraph (1);
- (iii) the container is equipped with a valve (valve and other accessories specified by Order of the Ministry of Economy, Trade and Industry in the case of containers specified by Order of the Ministry of Economy, Trade and Industry; the same applies below in this item (iii)). In this case, if the valve falls under the type of accessories specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 49-2, paragraph (1), the valve should have undergone and passed the accessory inspection and have been stamped as required under Article 49-3 paragraph (1) or Article 49-25, paragraph (3) (including when applied *mutatis mutandis* pursuant to Article 49-33, paragraph (2); the same applies throughout this paragraph, the following paragraph, paragraph (4), and Article 49-3, paragraph (2)) (in the case the period specified by Order of the Ministry of Economy, Trade and Industry has passed after the accessory inspection or re-inspection has been completed or after the stamp under Article 49-25, paragraph (3) has been received, or in the case it is a damaged valve the valve has undergone and passed the accessory inspection and has been stamped as required under Article 49-4, paragraph (3));
- (iv) if a container fabricated by welding or by other means that could make it hard that the container conform to the specifications defined in Article 44, paragraph (4), the fabrication is to have been performed in accordance with

- the technical standards specified by Order of the Ministry of Economy, Trade and Industry; and
- (v) if a container which has been damaged or for which the period specified by Order of the Ministry of Economy, Trade and Industry after the preceding container inspection or re-inspection or after receiving the self-inspection stamp, etc. has passed, the container is to have undergone and passed the container re-inspection and have been stamped under paragraph (3) of the following Article, in addition to displaying the mark under paragraph (4) of the Article.
- (2) When high pressure gas is filled into a non-refillable container, the container must meet all of the following requirements:
- (i) the container is marked with stamped, etc. or self-inspection stamp, etc.;
 - (ii) the container is the marking specified under Article 46, paragraph (1);
 - (iii) the container is to be equipped with a valve (valve and other accessories specified by Order of the Ministry of Economy, Trade and Industry in the case of non-refillable containers specified by Order of the Ministry of Economy, Trade and Industry; the same applies below in this item (iii)). If the valve falls under the type of accessories specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 49-2, paragraph (1), the valve should have undergone and passed the accessory inspection and have been stamped as required under Article 49-3, paragraph (1) or Article 49-25, paragraph (3); and
 - (iv) no fabrication work has been performed after passing the container inspection or receiving the self-inspection stamp, etc.
- (3) No high pressure gas must be filled again into a non-refillable container once filled with high pressure gas or into an imported non-refillable container once filled with high pressure gas.
- (4) The high pressure gas to be filled in the container must fall under both of the following items:
- (i) it is the high pressure gas of the type indicated by the stamp, etc. or self-inspection stamp, etc. In addition, in the case of compressed gas, its pressure does not exceed the limit indicated by the stamp, etc. or self-inspection stamp, etc. In the case of liquefied gas, its volume does not exceed the limit calculated under Order of the Ministry of Economy, Trade and Industry using the internal volume of the container indicated by the stamp, etc. or self-inspection stamp, etc.; and
 - (ii) if a valve installed on the container (valve and accessories specified by the Order of the Ministry of Economy, Trade and Industry referred to in paragraph (1), item (iii) in the case of a container specified by Order of the Ministry of Economy, Trade and Industry in the item or the valve and accessories specified by Order of the Ministry of Economy, Trade and

Industry referred to in paragraph (2), item (iii) in the case of a non-refillable container specified by Order of the Ministry of Economy, Trade and Industry in the item) falls under the type of accessories specified by Order of the Ministry of Economy, Trade and Industry under Article 49-2, paragraph (1), the gas is to be high pressure gas of the type consistent with the stamp under Article 49-3, paragraph (1) or Article 49-25, paragraph (3). In the case of compressed gas, its pressure does not exceed the limit indicated by the same stamp. In the case of liquefied gas, its volume does not exceed the limit calculated under Order of the Ministry of Economy, Trade and Industry on the basis of the pressure indicated in the same stamp.

- (5) The provisions of the preceding paragraphs (1), (2), and (4) do not apply if the Minister of Economy, Trade and Industry finds there is no risk of danger, and grants approval subject to certain conditions and if the filling of high pressure gas is performed in accordance with the conditions.

(Container Re-Inspections)

Article 49 (1) The re-inspection of containers is conducted by the Minister of Economy, Trade and Industry, the Institute, a designated container inspection body, or a person that has registered their container inspection station with the Minister of Economy, Trade and Industry in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry.

- (2) With respect to the container re-inspection, containers are to pass the re-inspection if they conform to the specifications specified by Order of the Ministry of Economy, Trade and Industry with respect to the type and the level of pressure of high pressure gas.
- (3) When containers have successfully passed the re-inspection, excluding the containers specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 45, paragraph (1), the Minister of Economy, Trade and Industry, the Institute, a designated container inspection body, or a person with a registered container inspection station, must promptly stamp each container in accordance with Order of the Ministry of Economy, Trade and Industry.
- (4) When containers have successfully passed the inspection if the containers are those specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 45, paragraph (1), the Minister of Economy, Trade and Industry, the Institute, a designated container inspection body, or a person with a registered container inspection station must promptly attach a mark on each container in accordance with Order of the Ministry of Economy, Trade and Industry.
- (5) Except as provided for in the preceding two paragraphs, it is prohibited for any person to stamp a container as stated in paragraph (3) or attach the mark

as stated in the preceding paragraph or display any stamp or mark that can be confusing.

- (6) The place where a person with a registered container inspection station conducts the container re-inspection is to be a container inspection station which they have registered.

(Accessory Inspections)

Article 49-2 (1) It is prohibited for a person that has manufactured or imported valves or other container accessories specified by Order of the Ministry of Economy, Trade and Industry (referred to below simply as "accessories" except in Article 59-9) to transfer or deliver the accessories without having them undergo and pass the accessory inspection conducted by the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection body in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry and having been received the stamp under paragraph (1) of the following Article to prove the passing of the inspection; provided, however, that this does not apply to the following accessories:

- (i) accessories (except those specified by Order of the Ministry of Economy, Trade and Industry) which are manufactured by a person registered under Article 49-5, paragraph (1), engaged in the business of manufacturing accessories (referred to below as a "registered accessory manufacturer") and which have the stamp under Article 49-25, paragraph (3);
 - (ii) accessories (except those specified by Order of the Ministry of Economy, Trade and Industry referred to in the preceding item) which are manufactured by a manufacturer registered under Article 49-31, paragraph (1), engaged in the business of manufacturing accessories abroad for their export to Japan (referred to below as a "registered foreign accessory manufacturer") and which have the stamp under Article 49-25, paragraph (3) that applies mutatis mutandis pursuant to Article 49-33, paragraph (2);
 - (iii) accessories for export or other types of use to be specified by Order of the Ministry of Economy, Trade and Industry; or
 - (iv) accessories attached to an imported container filled with high pressure gas and are still filled with high pressure gas.
- (2) A person that intends to apply for the accessory inspection stated in the preceding paragraph must declare the type and the pressure of the high pressure gas to be filled in the container on which the accessory is to be installed.
- (3) For accessories to be installed on a non-refillable container, a person that intends to apply for the accessory inspection under paragraph (1) must declare that the accessories are to be installed on a non-refillable container.

- (4) With respect to the accessory inspection under paragraph (1), accessories are to pass the inspection if they conform to the specifications specified by Order of the Ministry of Economy, Trade and Industry for each type and pressure of high pressure gas.

(Stamping)

Article 49-3 (1) When accessories have successfully passed the inspection, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection body must promptly stamp each of the accessories in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry.

- (2) Except as provided for in the preceding paragraph or Article 49-25, paragraph (3), it is prohibited for any person to stamp accessories or stamp anything else that might cause confusion.

(Accessory Re-Inspections)

Article 49-4 (1) The re-inspection of accessories are conducted by the Minister of Economy, Trade and Industry, the Institute, a designated container inspection body, or a person with a registered container inspection station in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry.

- (2) With respect to the accessory re-inspection, accessories are to pass the inspection if they conform to the specifications provided by Order of the Ministry of Economy, Trade and Industry for each type and pressure of high pressure gas.
- (3) When accessories have successfully passed the re-inspection, the Minister of Economy, Trade and Industry, the Institute, a designated container inspection body, or a person with a registered container inspection station must promptly stamp each of the accessories in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) Except as provided for in the preceding paragraph, it is prohibited for any person to stamp accessories as stated in the paragraph or stamp anything else that might cause confusion.
- (5) The provisions of Article 49, paragraph (6) apply mutatis mutandis to any location where the accessory re-inspection should be performed.

(Handling of Containers That Were Containers in Automobile Equipment)

Article 49-4-2 If a container within equipment specified in Article 3, paragraph (1), item (v) (referred to below as "automobile equipment" in this Article and Article 56, paragraph (5)) and its accessories (limited to accessories specified by an Order of the Ministry of Economy, Trade and Industry; the same applies

in Article 56, paragraph (5)) which contain a marking to the effect that it is in compliance with the standards provided in Cabinet Order by means of an inspection specified by Cabinet Order as equivalent to an inspection stated in the following items pursuant to this Act are no longer incorporated in automobile equipment, for the purposes of application of the provisions of Article 44, paragraph (1), Article 46, paragraph (1), item (i), Article 48, paragraph (1), items (i), (iii), and (v), and paragraph (4), Article 49-2, paragraph (1), and the second sentence of Article 54, paragraph (2) (including penal provisions pertaining to those provisions), the inspection is deemed an inspection listed in each of the following items and the relevant marking is deemed a stamp specified in the respective item:

- (i) container inspection: the stamp specified in Article 45, paragraph (1);
- (ii) container re-inspection: the stamp specified in Article 49, paragraph (3);
- (iii) accessory inspection: the stamp specified in Article 49-3, paragraph (1); or
- (iv) accessory re-inspection: the stamp specified in paragraph (3) of the preceding Article.

(Registration of Manufacturers of Containers)

Article 49-5 (1) A person that is engaged in the business of manufacturing containers or accessories may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in accordance with the category of the manufacturing business of containers or accessories as specified by Order of the Ministry of Economy, Trade and Industry (referred to below as "business category regarding containers, etc.").

(2) A person that intends to register under the preceding paragraph must submit a written application letter describing the following items to the Minister of Economy, Trade and Industry:

- (i) person's name or business name, address, and in the case of a corporation, the name of its representative;
- (ii) business category regarding the containers, etc.;
- (iii) name and address of the factory or workplace where the containers or accessories are manufactured;
- (iv) name, specification, and quantity of equipment which is used for manufacturing the containers or accessories and which is specified by Order of the Ministry of Economy, Trade and Industry (referred to below as "manufacturing equipment for containers, etc.");
- (v) name, specification, and quantity of equipment which is used for the inspection of the containers or accessories and which is specified by Order of the Ministry of Economy, Trade and Industry (referred to below as "inspection equipment for containers, etc."); and
- (vi) matters related to the quality control method and organization for

inspection of the containers or accessories and are specified by Order of the Ministry of Economy, Trade and Industry.

- (3) The written application letter stated in the preceding paragraph must be annexed by rules stating the method to inspect the containers or accessories (referred to below as "inspection rules for containers, etc."), drawing of the factory or workplace, and other documents specified by Order of the Ministry of Economy, Trade and Industry.
- (4) A person that has made an application in accordance with the provisions of paragraph (2) must undergo the inspection by the Minister of Economy, Trade and Industry for the manufacturing equipment for containers, etc., the inspection equipment for containers, etc., the quality control method, organization for inspection, and inspection method referred to in Article 49-7, item (v) at the factory or workplace; provided, however, that this does not apply when the application letter referred to in the paragraph is accompanied by the document referred to in Article 49-8, paragraph (2).

(Disqualification Clauses)

Article 49-6 A person that falls under any of the following items is disqualified from registration under paragraph (1) of the preceding Article:

- (i) a person that violated this Act or an order pursuant to this Act, was sentenced to a fine or severer punishment, and for whom two years have not passed from the date when the person completed or was no longer subject to punishment;
- (ii) a person for whom two years have not yet passed from the date of revocation of registration in accordance with the provisions of Article 49-17 or Article 49-32, paragraph (1); or
- (iii) a corporation, for which any of its officers engaged in the business fall under either of the preceding two items.

(Standards for Registration)

Article 49-7 If the Minister of Economy, Trade and Industry finds that an application for registration under Article 49-5, paragraph (1) falls under all of the following items, the Minister must register the applicant:

- (i) manufacturing equipment for containers, etc. conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) inspection equipment for containers, etc. conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (iii) quality control method and organization for inspection conforms to the technical standards specified by Order of the Ministry of Economy, Trade

and Industry;

- (iv) a person who has the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry conducts the inspection of the containers, etc., and the number of those persons is equal to or more than the number specified by Order of the Ministry of Economy, Trade and Industry; and
- (v) the inspection method of the containers or accessories specified by the inspection rules for the containers, etc. conforms to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 44, paragraph (1) or Article 49-2, paragraph (1).

(Investigations by the Institute)

Article 49-8 (1) A person that is engaged in the business of manufacturing containers or accessories may request the Institute or a person designated by the Minister of Economy, Trade and Industry to conduct an investigation of the manufacturing equipment for the containers, etc., the inspection equipment for the containers, etc., the quality control method, organization for inspection, and method of inspection under item (v) of the preceding Article at the factory or workplace in relation to the application for registration referred to in Article 49-5, paragraph (1).

- (2) When the Institute or a designated person referred to in the preceding paragraph finds that the manufacturing equipment for the containers, etc. and the inspection equipment for the containers, etc., the quality control method, organization for inspection and method of inspection under item (v) of the preceding Article at the factory or workplace for which the Institute or the designated person has conducted the investigation referred to in the paragraph conform to the respective technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in items (i), (ii), and (iii) of the Article and also conform to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 44, paragraph (1) or Article 49-2, paragraph (1), the Institute or the designated person must issue a document to that effect.

(Renewal of Registration)

Article 49-9 (1) The registration referred to in Article 49-5, paragraph (1), ceases to be effective with the lapse of a period of five years or more and ten years or less to be specified by Cabinet Order unless it is renewed by the end of every registration period.

- (2) The provisions of Article 49-5, paragraphs (2), (3), and (4) and the provisions of Article 49-6 through the preceding Article apply *mutatis mutandis* to the renewal of registration provided for in the preceding paragraph.

(Register of Manufacturers of Containers or Any Other Register)

Article 49-10 The Minister of Economy, Trade and Industry must set up a register of manufacturers of containers, etc. regarding those registered persons under Article 49-5, paragraph (1) (referred to below as "registered manufacturers of containers, etc.") and must enter the following items in the register:

- (i) dates of registration and its renewal and registration number; and
- (ii) those items referred to in Article 49-5, paragraph (2), items (i) through (iii).

(Registration Certificates)

Article 49-11 (1) Upon effecting the registration or its renewal under Article 49-5, paragraph (1), the Minister of Economy, Trade and Industry issues a registration certificate.

(2) the registration certificate referred to in the preceding paragraph must have the following entries:

- (i) date of registration or its renewal and registration number;
- (ii) personal name or business name and address; and
- (iii) business category regarding containers, etc.

(Notification Report of Change)

Article 49-12 A registered manufacturer of containers, etc. must inform the Minister of Economy, Trade and Industry of any change which has taken place regarding the matters under Article 49-5, paragraph (2), item (i) or items (iii) through (vi) or they have changed the inspection rules for containers, etc. without delay; provided, however, that this does not apply if the change is of a minor nature as specified by Order of the Ministry of Economy, Trade and Industry.

(Corrections of Registration Certificates)

Article 49-13 In submitting the notification report under the provisions of the preceding Article, a registered manufacturer of containers, etc. must submit a notification report for correction attaching the registration certificate if there is any change to the entries of the registration certificate.

(Notification Reports of Discontinuation)

Article 49-14 A registered manufacturer of containers, etc. must inform the Minister of Economy, Trade and Industry of the discontinuation of the registered business without delay when the registered business is discontinued.

(Reissuance of Registration Certificates)

Article 49-15 A registered manufacturer of containers, etc. may apply for and obtain the reissuance of the registration certificate to the Minister of Economy, Trade and Industry if they soil, damage, or lose the registration certificate.

(Expiration of Registrations)

Article 49-16 When a registered manufacturer of containers, etc. discontinues their registered business, the registration ceases to be effective.

(Revocation of Registrations)

Article 49-17 If a registered manufacturer of containers, etc. falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration:

- (i) when the provisions of Article 44, paragraph (1), Article 45, paragraph (3) Article 49-3, paragraph (2), or Article 49-12 are violated;
- (ii) when the provisions of Article 49-6, item (i) or (iii) become relevant;
- (iii) when a prohibition or order in accordance with the provisions of Article 41, paragraph (2), Article 49-26, Article 49-27, or Article 49-30 is violated;
- (iv) when the registration under Article 49-5, paragraph (1) or its renewal is obtained by wrongful means; or
- (v) when the valid registration under Article 49-31, paragraph (1) is revoked.

(Deletion of Registrations)

Article 49-18 If the registration of a registered manufacturer of containers, etc. has ceased to be effective, the Minister of Economy, Trade and Industry must delete the registration.

(Return of Registration Certificates)

Article 49-19 If the registration of a registered manufacturer of containers, etc. has ceased to be effective, they must return the registration certificate to the Minister of Economy, Trade and Industry without delay.

(Authenticated Copy of Register of Manufacturers of Containers)

Article 49-20 Anyone may request the Minister of Economy, Trade and Industry to issue an authenticated copy of the register of manufacturers of containers, etc. or to allow them to inspect the register.

(Type Approval of Containers or Accessories)

Article 49-21 (1) A registered manufacturer of containers, etc. may obtain approval for the type of container or accessory they intend to manufacture from the Minister of Economy, Trade and Industry.

(2) A person that intends to obtain the approval provided for in the preceding

paragraph must submit a written application letter describing the following items to the Minister of Economy, Trade and Industry:

- (i) person's name or business name, address and, in the case of a corporation, the name of its representative;
 - (ii) date of registration or its renewal; and
 - (iii) business category of the container or accessory for which registration is sought.
- (3) The written application letter referred to in the preceding paragraph must be accompanied by containers or accessories for testing purposes, the quantities of which are specified by Order of the Ministry of Economy, Trade and Industry, a structural drawing, and other documents specified by Order of the Ministry of Economy, Trade and Industry; provided, however, that the submission of a document certifying that the container or accessory for which approval is sought under paragraph (1) has passed the test referred to in Article 49-23, paragraph (1), suffices.

(Standards for Approval)

Article 49-22 When the Minister of Economy, Trade and Industry finds that an application for approval under paragraph (1) of the preceding Article falls under all of the following requirements (item (ii) when the application is accompanied by a document certifying the passing of the test under paragraph (1) of the following Article), the Minister must grant the approval:

- (i) regarding the application-related container or accessory for testing purposes, the container conforms to the specifications under Article 44, paragraph (4); the accessory conforms to the specifications under Article 49-2, paragraph (4); and
- (ii) the applicant has obtained registration under Article 49-5, paragraph (1) for the business category to which the containers or accessories related to application belong.

(Tests by Designated Container Inspection Bodies)

Article 49-23 (1) A registered manufacturer of containers, etc. may request the Institute or a designated container inspection body to test the container or accessory which they intend to manufacture.

- (2) A registered manufacturer of containers, etc. that intends to request the test under the preceding paragraph must submit to the Institute or a designated container inspection body a written application letter describing the following items as well as the containers or accessories for testing purposes of the quantities specified by Order of the Ministry of Economy, Trade and Industry under Article 49-21, paragraph (3), and the documents specified by Order of the Ministry of Economy, Trade and Industry under the paragraph:

- (i) person's name or business name, address, and, in the case of a corporation, the name of its representative; and
 - (ii) business category regarding the containers or accessories for which the test application is made.
- (3) In the test referred to in paragraph (1), the containers or accessories for testing purposes are deemed to pass the test if the containers conform to the specifications under Article 44, paragraph (4); accessories conform to the specifications under Article 49-2, paragraph (4).
- (4) The provisions of Article 44, paragraphs (2) and (3) and Article 49-2, paragraphs (2) and (3) apply mutatis mutandis to a person intending to submit a written application letter provided for in paragraph (2) of this Article. In this case, the phrase "container inspection stated in the preceding paragraph" in Article 44, paragraph (2) is deemed to be replaced with "test under Article 49-23, paragraph (1)", the phrase "container inspection pursuant to under Article 44, paragraph (1)" in paragraph (3) of the Article is deemed to be replaced with "test under Article 49-23, paragraph (1)", the phrase "accessory inspection stated in the preceding paragraph" in Article 49-2, paragraph (2) is deemed to be replaced with "test under Article 49-23 paragraph (1)", and the phrase "accessory inspection under paragraph (1)" in paragraph (3) of the Article is deemed to be replaced with "test under Article 49-23, paragraph (1)".

(Duty to Conform to Standards)

- Article 49-24 (1) When a registered manufacturer of containers, etc. who has obtained the approval under Article 49-21, paragraph (1) intends to manufacture a container or accessory of the type related to the approval, the container must conform to the specifications under Article 44, paragraph (4) and the accessory must conform to the specifications under Article 49-2, paragraph (4); provided, however, that this does not apply to the manufacture of a container serving the usages specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 44, paragraph (1), item (iii) or an accessory serving the usages specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 49-2, paragraph (1), item (iii) or to the manufacture conducted for testing usages.
- (2) A registered manufacturer of containers etc. referred to in the preceding paragraph must conduct inspection of the manufactured containers or accessories (except those manufactured under the proviso of the paragraph) following the inspection rules for containers, etc., and must prepare inspection records and keep them.

(Stamping)

- Article 49-25 (1) When a registered container manufacturer that has obtained

the approval referred to in Article 49-21, paragraph (1) has manufactured containers of the type approved, they may stamp the containers as specified by Order of the Ministry of Economy, Trade and Industry if these containers are not containers specified by Order of the Ministry of Economy, Trade and Industry under Article 45, paragraph (1).

- (2) When a registered container manufacturer that has obtained the approval referred to in Article 49-21, paragraph (1) has manufactured containers of the type approved, they may attach a mark to each container as specified by Order of the Ministry of Economy, Trade and Industry if these containers meet the requirements specified by Order of the Ministry of Economy, Trade and Industry under Article 45, paragraph (1).
- (3) When a registered accessory manufacturer that has obtained the approval referred to in Article 49-21, paragraph (1) has manufactured accessories of the type approved, they may stamp the accessories as specified by Order of the Ministry of Economy, Trade and Industry.

(Prohibition of Stamping)

Article 49-26 If the containers or accessories of the type approved (except those manufactured under the proviso of Article 49-24, paragraph (1)) manufactured by a registered manufacturer of containers, etc. that has received the approval referred to in Article 49-21, paragraph (1) are deemed not to conform to the specifications under Article 44, paragraph (4) in the case of containers or the specifications under Article 49-2, paragraph (4) in the case of accessories, the Minister of Economy, Trade and Industry may prohibit the registered manufacturer of containers, etc. from applying the stamp under paragraph (1) or paragraph (3) of the preceding Article or attaching the marks under paragraph (2) of the Article for a specified period not exceeding one year when they find that the prohibition is particularly necessary to prevent the occurrence of accidents.

(Orders for Improvement)

Article 49-27 The Minister of Economy, Trade and Industry may issue an order to a registered manufacturer of containers, etc. to repair or remodel the manufacturing equipment for containers, etc. or the inspection equipment for the containers, etc. to improve the quality control method and organization for inspection, to change the inspection rules for the containers, etc. and to employ whatever measures are deemed necessary under the following cases:

- (i) when the manufacturing equipment for the containers, etc. is deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 49-7, item (i);
- (ii) when the inspection equipment for the containers, etc. is deemed not to

- conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 49-7, item (ii);
- (iii) when the quality control method and organization for inspection are deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 49-7, item (iii);
- (iv) when the inspection method referred to in Article 49-7, item (v) is deemed not to conform to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 44, paragraph (1) or Article 49-2, paragraph (1);
- (v) when a person who does not have the knowledge and experience that conforms to the conditions specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 49-7, item (iv) is assigned to conduct the inspection of the containers or accessories; or
- (vi) when the provisions of Article 49-24 are deemed to have been violated.

(Expiration of Approval)

Article 49-28 When the registration of a registered manufacturer of containers, etc. has ceased to be effective, the approval under Article 49-21, paragraph (1) regarding the registered manufacturer of containers, etc. also ceases to be effective.

(Revocation of Approvals)

Article 49-29 If a registered manufacturer of containers, etc. who has obtained the approval under Article 49-21, paragraph (1) falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the approval:

- (i) when the provisions of Article 49-24 paragraph (2) are violated;
- (ii) when the prohibition or order provided for in Article 49-26, Article 49-27, or the following Article is violated;
- (iii) when the conditions referred to in Article 65, paragraph (1) are violated; or
- (iv) when the approval under Article 49-21, paragraph (1) is obtained by wrongful means.

(Disaster Prevention Order)

Article 49-30 If the containers or accessories of the type approved (except those manufactured under the proviso of Article 49-24, paragraph (1)) manufactured by a registered manufacturer of containers, etc. who has received the approval referred to in Article 49-21, paragraph (1) do not conform to the specifications under Article 44, paragraph (4) in the case of containers or the specifications under Article 49-2, paragraph (4) in the case of accessories, and the Minister of Economy, Trade and Industry or a prefectural governor finds a risk of a

disaster involving the high pressure gas filled in the containers or containers equipped with the accessories, the Minister or prefectural governor may issue an order to the registered manufacturer of containers, etc. that has produced the containers or the accessories to recall the containers or accessories manufactured or to take any other measures required to prevent the spread of a disaster due to the high pressure gas filled in the containers or containers equipped with the accessories if the measures are considered necessary, especially to prevent the spread of a disaster.

(Registration of Foreign Manufacturer of Containers)

Article 49-31 (1) A person that is engaged in the business of manufacturing containers or accessories abroad for their export to Japan may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in accordance with the business category regarding containers, etc.

(2) The provisions of Article 49-5, paragraphs (2), (3), and (4), Articles 49-6 through 49-11, Article 49-16, Article 49-18, and Article 49-20 apply mutatis mutandis to registration under the preceding paragraph while the provisions of Article 45, paragraph (3), Article 49-3, paragraph (2), Articles 49-12 through 49-15, Article 49-19, Article 49-23, and Article 49-27 apply mutatis mutandis to a person obtaining registration under the preceding paragraph (referred to below as a "registered foreign manufacturer of containers, etc."). In this case, the phrase "any person" in Article 45, paragraph (3) and "any person" in Article 49-3, paragraph (2) are deemed to be replaced with "a registered foreign manufacturer of containers, etc.", the word "containers" in Article 45, paragraph (3), is deemed to be replaced with "containers to be exported to Japan", the word "accessories" in Article 49-3, paragraph (2) is deemed to be replaced with "accessories to be exported to Japan", the phrase "register of manufacturers of containers, etc." in Article 49-10 and Article 49-20 is deemed to be replaced with "register of foreign manufacturers of containers, etc.", and the phrase "issue an order" in Article 49-27 is deemed to be replaced with "demand".

(Revocation of Registration of Registered Foreign Manufacturer of Containers)

Article 49-32 (1) If a registered foreign manufacturer of containers, etc. falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration concerned:

(i) when the provisions of Article 44, paragraph (1), Article 45, paragraph (3) (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), Article 49-3, paragraph (2) (including the cases as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), Article 49-12 as applied mutatis mutandis pursuant to paragraph

- (2) of the preceding Article, or Article 49-24, paragraph (2) which is applied mutatis mutandis pursuant to paragraph (2) of the following Article are violated;
- (ii) when the manufacturer comes under the provisions of Article 49-6, item (i) or (iii) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article;
 - (iii) when the demand prescribed under the provisions of Article 49-27 as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article, or the provisions of Article 49-26 or Article 49-30 as applied mutatis mutandis pursuant to paragraph (2) of the following Article is not met;
 - (iv) when the report required of a registered foreign manufacturer of containers, etc. by the Minister of Economy, Trade and Industry on the former's state of business or finance as specified by Cabinet Order within the limit necessary for enforcement of this Act is not submitted or when a false report is submitted;
 - (v) when an intended inspection of the books, documents, and other items or questioning of the persons concerned by an employee of the Ministry of Economy, Trade and Industry assigned by the Minister of Economy, Trade and Industry within the limits necessary for enforcement of this Act at an office, business office, factory, storage place of containers or accessories to be exported to Japan or any other place of business of a registered foreign manufacturer of containers, etc. is refused, prevented, or avoided or no reply is made or a false reply is made to a question posed by the employee;
 - (vi) when regarding a demand prescribed by the Minister of Economy, Trade and Industry to a registered foreign manufacturer of containers, etc. to submit within a specified period the containers or accessories, for the purpose of inspection under the provisions of the preceding item, it is deemed that it would be extremely difficult to have their employee conduct the inspection at their location, and that demand is not met;
 - (vii) when the registration referred to in paragraph (1) of the preceding Article or its renewal is obtained by wrongful means; or
 - (viii) when the valid registration obtained under Article 49-5, paragraph (1) is revoked.
- (2) The State must compensate a registered foreign manufacturer of containers, etc. for the loss caused by a demand made under the provisions of item (vi) of the preceding paragraph. In this case, the loss to be compensated is the loss which is normally expected to occur as a result of a demand issued under the provisions of the item.

(Type Approval of Containers Regarding Registered Foreign Manufacturer of Containers)

Article 49-33 (1) A registered foreign manufacturer of containers, etc. may obtain type approval by the Minister of Economy, Trade and Industry for containers or accessories which they intend to manufacture for their export to Japan.

(2) The provisions of Article 49-21, paragraphs (2) and (3), Articles 49-22, and 49-28 apply mutatis mutandis to approval under the preceding paragraph while the provisions of Articles 49-24 through 49-26 and Article 49-30 apply mutatis mutandis to a person obtaining approval under the preceding paragraph. In this case, the phrase "Article 49-5, paragraph (1)" in Article 49-22, item (ii) is deemed to be replaced with "Article 49-31, paragraph (1)", the phrase "a container or accessory of the type related to the approval" in Article 49-24, paragraph (1) is deemed to be replaced with "a container or accessory of the type related to the approval and to be exported to Japan", the phrases a "registered container manufacturer" and "containers of the type approved" in Article 49-25, paragraphs (1) and (2) are deemed to be replaced with a "registered foreign manufacturer of containers" and "containers of the type approved and to be exported to Japan" respectively, the phrases "a registered accessory manufacturer" and "accessories of the type approved" in paragraph (3) of the Article are deemed to be replaced with "a registered foreign manufacturer of accessories" and "accessories of the type approved and to be exported to Japan" respectively, the phrases "containers or accessories" and "for a specified period" in Article 49-26 are deemed to be replaced with "containers or accessories to be exported to Japan" and "containers or accessories to be exported to Japan within a specified period" respectively and the phrase "issue an order" in Article 49-30 is deemed to be replaced with "to demand".

(Revocation of Approvals Regarding Registered Foreign Manufacturers of Containers)

Article 49-34 If a registered foreign manufacturer of containers, etc. that has been approved under paragraph (1) of the preceding Article falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the approval:

- (i) when the manufacturer has violated the provisions of Article 49-12 as applied mutatis mutandis pursuant to Article 49-31, paragraph (2) or the provisions of Article 49-24, paragraph (2), as applied pursuant to paragraph (2) of the preceding Article;
- (ii) when a demand made under the provisions of Article 49-27 as applied mutatis mutandis pursuant to Article 49-31, paragraph (2), or under the provisions of Article 49-26 or Article 49-30 as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is not met;

- (iii) when the conditions referred to in Article 65 paragraph (1) are violated; or
- (iv) when the approval under paragraph (1) of the preceding Article is obtained by wrongful means.

(Accident Prevention Orders)

Article 49-35 If the containers or accessories of the type approved under Article 49-33, paragraph (1) (excluding those manufactured under the proviso of Article 49-24, paragraph (1) which is applied *mutatis mutandis* pursuant to Article 49-33, paragraph (2)) manufactured by a registered foreign manufacturer of containers, etc. that has received the approval referred to in Article 49-33, paragraph (1) do not conform to the specifications under Article 44, paragraph (4) in the case of containers or the specifications under Article 49-2, paragraph (4) in the case of accessories, and the Minister of Economy, Trade and Industry or prefectural governor finds a risk of occurrence of a disaster due to the high pressure gas filled in the containers or containers equipped with the accessories, the Minister or prefectural governor may issue an order to an importer of the containers or accessories to recall the imported containers or accessories or to take any other measures required to prevent the spread of a disaster due to the high pressure gas filled in the containers or containers equipped with the accessories if the measures are considered necessary, especially to prevent the spread of a disaster.

(Registration of Container Inspection Stations)

- Article 50 (1) The registration of a container inspection station ceases to be effective with the lapse of a period of five years or more and ten years or less to be specified by Cabinet Order unless it is renewed by the end of every registration period.
- (2) A person that falls under any of the following items is not eligible for the registration of a container inspection station or its renewal.
- (i) a person specified in Article 7, item (i) or (ii);
 - (ii) A person whose registration of a container inspection station has been revoked under the provisions of Article 53 and for whom two years have not passed from the date of revocation;
 - (iii) A person specified by Order of the Ministry of Economy, Trade and Industry as a person incapable of properly conducting container re-inspection or accessory re-inspection due to mental or physical disorders; or
 - (iv) a corporation, for which any of its officers engaged in the business fall under any of the preceding three items.
- (3) The Minister of Economy, Trade and Industry must grant a registration or renewal if the relevant inspection equipment is deemed to be in conformity with the technical standards specified by Order of the Ministry of Economy,

Trade and Industry when there is an application for the registration of a container inspection station or its renewal.

- (4) The Minister of Economy, Trade and Industry may restrict the type of containers or accessories which can be re-inspected at the container inspection station if it is found particularly necessary to do so for the proper implementation of the container re-inspection or accessory re-inspection when dealing with the registration of a container inspection station or its renewal,

(Duty of Persons That Have Registered Their Container Inspection Stations)

Article 51 (1) A person with a registered container inspection station must conduct the container re-inspection or accessory re-inspection without delay, except if there is a justifiable reason, when the re-inspection is requested.

- (2) A person with a registered container inspection station must maintain the inspection equipment at the station to conform to the technical standards under paragraph (3) of the preceding Article.

(Chief Inspectors)

Article 52 (1) For each container inspection station, a person with a registered container inspection station must appoint a chief inspector from among those with the knowledge and experience that conform to the conditions as specified by Order of the Ministry of Economy, Trade and Industry, or from among the holders of the production safety manager certificate, and assign them to supervise the implementation of container re-inspection or accessory re-inspection.

- (2) Upon appointing a chief inspector under the preceding paragraph, a person with a registered container inspection station must submit a notification report of the appointment to the Minister of Economy, Trade and Industry without delay. The same applies to their dismissal.
- (3) A chief inspector must conscientiously perform their duties.
- (4) If a chief inspector has violated any provisions of this Act or any order pursuant to, or their job performance is deemed likely to interfere with the proper implementation of the container re-inspection or accessory re-inspection, the Minister of Economy, Trade and Industry may order the person with a registered container inspection station to dismiss the chief inspector.

(Revocation of Registrations)

Article 53 The Minister of Economy, Trade and Industry may revoke the registration or order a suspension of the re-inspection of containers or accessories for a specified period, if a person with a registered container inspection station falls under any of the following items:

- (i) when the person falls under Article 7, item (ii) or Article 50, paragraph (2),

- item (iii) or (iv);
- (ii) when the person violates any provisions of Article 49, paragraphs (3) through (5), Article 49-4, paragraph (3) or (4), Article 51, or paragraph (1) of the preceding Article;
- (iii) when the person violates the restriction under Article 50, paragraph (4) or the order under the provisions of paragraph (4) of the preceding Article;
- (iv) when the person fails to keep the book as required under Article 60, paragraph (1) or make a false entry in the book; or
- (v) when the license under Article 5, paragraph (1), given to a person with a registered container inspection station has been revoked subject to any provisions of Article 38, paragraph (1), items (i) through (v) if the person is a Class 1 producer.

(Change in Types or Pressure of High Pressure Gas to be Filled in Containers)

Article 54 (1) An owner of a container that intends to change the type or pressure of the high pressure gas to be filled in must apply to the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection body regarding activities that should be conducted such as stamping on the container, etc.

- (2) When there is an application under the preceding paragraph, and the container after the change is deemed to conform to the specifications under Article 44, paragraph (4), the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection body must promptly provide the stamp, etc. for the container. In this case, the Minister of Economy, Trade and Industry, the Institute, or a designated container inspection body must erase the previous stamp, etc. on that container.
- (3) When having received the stamp, etc. under the preceding paragraph, the applicant under paragraph (1) must mark the container under Article 46, paragraph (1), without delay in accordance with Order of the Ministry of Economy, Trade and Industry.

Article 55 Deleted

(Scrapping or Other Disposition)

Article 56 (1) If a container that has not passed the container inspection is still deemed not to conform to the specifications under Article 44, paragraph (4) even with a change of the type or pressure of the high pressure gas to be filled in, the Minister of Economy, Trade and Industry may order its owner to scrap or dispose of them to make them unusable as containers.

- (2) If the container that has not passed the container inspection conducted by the Institute or a designated container inspection body is deemed not to conform to

the specifications under Article 44, paragraph (4) even with a change of the type or pressure of the high pressure gas to be filled in, the Institute or a designated container inspection body must report the matter to the Minister of Economy, Trade and Industry without delay.

- (3) Regarding the container that has not passed the container re-inspection, if the container has no stamp, etc. under Article 54, paragraph (2) within three months, the owner must scrap or dispose of it without delay to make it unusable as a container.
- (4) The provisions of the preceding three paragraphs apply mutatis mutandis to the accessory rejected by the inspection or re-inspection. In this case, the word "in" and the phrase "Article 44, paragraph (4)" in paragraphs (1) and (2) are deemed to be replaced with "in the containers on which those accessories are installed" and "Article 49-2, paragraph (4)" respectively and the phrase "if the container has no stamp, etc. under Article 54, paragraph (2) within three months" in the preceding paragraph is to be deleted.
- (5) The provisions of paragraphs (1) and (3) apply mutatis mutandis to a container within automobile equipment no longer incorporated in automobile equipment that does not have the marking specified in the provisions of Article 49-4-2, and the provisions of the preceding paragraph apply mutatis mutandis to an accessory equipped to a container within automobile equipment no longer incorporated in automobile equipment that does not have that marking. In this case, the phrase "the preceding three paragraphs" in the paragraph is deemed to be replaced with "paragraph (1) and the preceding paragraph" and the phrase "paragraphs (1) and (2)" is deemed to be replaced with "paragraph (1)."
- (6) A person disposing of containers or accessories must dispose of them by scrapping them or other means which make those containers or accessories unusable.

(Notification Reports of Discontinuation of Container Inspection Stations)

Article 56-2 Upon discontinuation of the business of re-inspecting containers or accessories, a person with a registered container inspection station must submit a notification report of the matter to the Minister of Economy, Trade and Industry without delay.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 56-2-2 Beyond what is prescribed in this Section, procedures for container inspection, procedures for accessories inspection and other necessary procedural matters for carrying out the provisions of this Section is prescribed by Order of the Ministry of Economy, Trade and Industry.

Section 2 Specified Equipment

(Specified Equipment Inspections)

Article 56-3 (1) A person that manufactures equipment for which inspection of its design or material quality or inspection in the process of its manufacturing is deemed particularly necessary for the prevention of explosions or other disasters due to high pressure gas specified by Order of the Ministry of Economy, Trade and Industry as equipment (referred to below as "specified equipment") among equipment for high pressure gas production (including storage for production) must subject the specified equipment to the specified equipment inspection conducted by the Minister of Economy, Trade and Industry, the Institute, or a body designated by the Minister of Economy, Trade and Industry (referred to below as a "designated specified equipment inspection body") for each manufacturing process specified by Order of the Ministry of Economy, Trade and Industry if this provision does not apply to the following specified equipment:

- (i) the specified equipment (excluding that specified by Order of the Ministry of Economy, Trade and Industry) which is manufactured by a person engaged in the business of manufacturing specified equipment and is registered under Article 56-6-2, paragraph (1) (referred to below as "registered specified equipment manufacturer"), and has been granted a specified equipment standards conformity certificate prescribed under the provisions of Article 56-6-14, paragraph (2); or
 - (ii) specified equipment for export or other usages specified by Order of the Ministry of Economy, Trade and Industry.
- (2) Without delay, and in accordance with the provisions of Order of the Ministry of Economy, Trade and Industry, a person that has imported specified equipment must have the specified equipment inspection geared for specified equipment conducted by the Minister of Economy, Trade and Industry, the Institute, or a designated specified equipment inspection body; provided, however, that this does not apply to the following cases:
- (i) when the specified equipment (except the equipment specified by Order of the Ministry of Economy, Trade and Industry referred to in item (i) of the preceding paragraph) which is manufactured by a person engaged in the business of manufacturing specified equipment abroad for export to Japan, and registered under Article 56-6-22, paragraph (1) (referred to below as a "registered foreign specified equipment manufacturer") is imported, provided that the equipment is granted by the specified equipment standards conformity certificate under the provisions of Article 56-6-14, paragraph (2) which is applied mutatis mutandis pursuant to Article 56-6-22, paragraph (2); or
 - (ii) when an application for the specified equipment inspection under the

following paragraph is made for specified equipment.

- (3) Foreign manufacturers of the specified equipment to be furnished for export to Japan may apply for a specified equipment inspection of their products conducted by the Minister of Economy, Trade and Industry, the Institute, or a designated specified equipment inspection body in accordance with Order of the Ministry of Economy, Trade and Industry. In this case, a person requesting a specified equipment inspection must apply for it before importing the specified equipment.
- (4) Upon completing the specified equipment inspection provided for in the preceding three paragraphs in accordance with the method specified by Order of the Ministry of Economy, Trade and Industry, if the Minister of Economy, Trade and Industry, the Institute, or a designated specified equipment inspection body finds that the specified equipment is in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry, the specified equipment is to pass the inspection.

(Specified Equipment Inspection Certificates)

- Article 56-4 (1) When specified equipment has successfully passed a specified equipment inspection, the Minister of Economy, Trade and Industry, the Institute, or a designated specified equipment inspection body must promptly issue a specified equipment inspection certificate to the person that has taken the specified equipment inspection.
- (2) A specified equipment inspection certificate must not be transferred or lent to others; provided, however, that this does not apply when the certificate is transferred together with the specified equipment.
 - (3) A person that has received a specified equipment inspection certificate may request reissuance if the person has soiled, damaged to, or lost the certificate by: applying to the Minister of Economy, Trade and Industry through the prefectural governor who has jurisdiction over the location of the specified equipment if the certificate was issued by the Minister of Economy, Trade and Industry; applying to the Institute if the certificate was issued by the Institute; or by applying to the designated specified equipment inspection body if the certificate was issued by the designated inspection body.
 - (4) The format of the specified equipment inspection certificate is specified by Order of the Ministry of Economy, Trade and Industry.

(Marking)

- Article 56-5 (1) When a person that has taken a specified equipment inspection has been issued the specified equipment inspection certificate under paragraph (1) of the preceding Article, the person must make a marking on the specified equipment without delay in accordance with the provisions of Order of the

Ministry of Economy, Trade and Industry.

- (2) Beyond the case provided for in the preceding paragraph (including the case as applied *mutatis mutandis* pursuant to Article 56-6-15, paragraph (1)), it is prohibited for any person to mark the specified equipment as in the paragraph or make any similar marking which can be confused with that.

(Return of Specified Equipment Inspection Certificates)

Article 56-6 A person that has been issued a specified equipment inspection certificate must return it without delay to the Minister of the Economy, Trade and Industry, the Institute, or the designated specified equipment inspection body in any of the following cases:

- (i) when the specified equipment has been lost;
- (ii) when the specified equipment has been exported;
- (iii) when the specified equipment has been scrapped or disposed of so as not to be used as other specified equipment; or
- (iv) when a lost certificate has been recovered after the reissuance of the specified equipment inspection certificate.

(Registration of Specified Equipment Manufacturers)

Article 56-6-2 (1) A person that is engaged in the business of manufacturing the specified equipment, may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in accordance with the category of the manufacturing business of the specified equipment specified by Order of the Ministry of Economy, Trade and Industry (referred to below as "specified equipment business category").

- (2) A person that intends to register under the preceding paragraph must submit a written application letter describing the following items to the Minister of Economy, Trade and Industry:

- (i) person's name or business name, address and, in the case of a corporation, the name of its representative;
- (ii) specified equipment business category;
- (iii) name and address of the factory or workplace where the specified equipment is manufactured;
- (iv) name, specification, and quantity of equipment which is used for manufacturing of the specified equipment specified by Order of the Ministry of Economy, Trade and Industry (referred to below as "manufacturing equipment for the specified equipment");
- (v) name, specification, and quantity of equipment which is used for the inspection of the specified equipment and is specified by Order of the Ministry of Economy, Trade and Industry (referred to below as "inspection equipment for the specified equipment"); and

- (vi) items related to the quality control method and inspection organization of the specified equipment and specified by Order of the Ministry of Economy, Trade and Industry.
- (3) In the written application letter stated in the preceding paragraph, rules stating the method to inspect the specified equipment (referred to below as the "specified equipment inspection rules"), drawings of the factory or workplace, and other documents specified by Order of the Ministry of Economy, Trade and Industry, must be attached.
- (4) A person that has made an application in accordance with the provisions of paragraph (2) above must receive the inspection conducted by the Minister of Economy, Trade and Industry for the manufacturing equipment for the specified equipment, the inspection equipment for the specified equipment, the quality control method, inspection organization, and inspection method referred to in Article 56-6-4, paragraph (1), item (v) at the factory or workplace; provided, however, that this does not apply when the application letter referred to in the paragraph is accompanied by the documents referred to in Article 56-6-5, paragraph (2).

(Disqualification Clause)

Article 56-6-3 A person that falls under any of the following items is disqualified from registration under paragraph (1) of the preceding Article:

- (i) a person that violated this Act or an order pursuant to this Act, was sentenced to a fine or severer punishment, and for whom two years have not passed from the date when the person completed or was no longer subject to punishment;
- (ii) a person for whom two years have not yet passed from the date of the revocation of registration in accordance with the provisions of Article 56-6-18 or Article 56-6-23; or
- (iii) a corporation, for which any of its officers engaged in the business falls under the preceding two items.

(Standards for Registration)

Article 56-6-4 (1) If an application for registration under Article 56-6-2, paragraph (1) is deemed to fall under all of the following items, the Minister of Economy, Trade and Industry must register the applicant:

- (i) the manufacturing equipment for the specified equipment conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) the inspection equipment for the specified equipment conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;

- (iii) the quality control method and organization for inspection conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry;
 - (iv) persons who have the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry conducts the inspection of specified equipment and the number of the persons is equal to or more than the number specified by Order of the Ministry of Economy, Trade and Industry; and
 - (v) the inspection method of specified equipment specified by the specified equipment inspection rules conforms to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-3, paragraph (4).
- (2) At the time of registration being made under Article 56-6-2, paragraph (1), the Minister of Economy, Trade and Industry may restrict the manufacturing process of specified equipment which may be inspected by a registered specified equipment manufacturer, when the Minister finds that the restriction is particularly necessary to properly inspect the specified equipment.

(Investigations by the Institute)

- Article 56-6-5 (1) A person that is engaged in the business of manufacturing specified equipment may request the Institute or a person designated by the Minister of Economy, Trade and Industry to conduct an investigation of the manufacturing equipment for the specified equipment, the inspection equipment for the specified equipment, and the quality control method, inspection organization, and method of inspection as referred to in paragraph (1), item (v) of the preceding Article at the factory or workplace in relation to the application for registration referred to in Article 56-6-2, paragraph (1).
- (2) When the Institute or a person designated as referred to in the preceding paragraph finds that the manufacturing equipment for the specified equipment, the inspection equipment for the specified equipment, and the quality control method, organization for inspection, and the method of inspection as referred to in paragraph (1), item (v) of the preceding Article at the factory or workplace for which the Institute or the person designated has conducted the investigation referred to in the paragraph, conform to the respective technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in items (i), (ii), and (iii) of the paragraph and also conform to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-3, paragraph (4), they must issue a document to that effect.
- (3) Upon completing the investigation provided for in paragraph (1), the Institute or a person designated as referred to in the paragraph may request the

Minister of Economy, Trade and Industry to restrict the manufacturing processes of the specified equipment which may be inspected by a registered specified equipment manufacturer, at the time of registration being made under Article 56-6-2, paragraph (1) when they find the restriction is particularly necessary to properly inspect the specified equipment.

(Renewal of Registration)

- Article 56-6-6 (1) The registration referred to in Article 56-6-2, paragraph (1) ceases to be effective with the lapse of a period of five years or more and ten years or less to be specified by Cabinet Order unless it is renewed by the end of every registration period.
- (2) The provisions of Article 56-6-2 paragraphs (2), (3), and (4) and Article 56-6-3 through the preceding Article apply mutatis mutandis to the renewal of registration provided for in the preceding paragraph.

(Register of Specified Equipment Manufacturers)

- Article 56-6-7 The Minister of Economy, Trade and Industry must set up a register of the specified equipment manufacturers regarding registered specified equipment manufacturers, and must enter the following items in the register:
- (i) dates of registration and its renewals and registration number; and
 - (ii) those items referred to in Article 56-6-2, paragraph (2), items (i) through (iii).

(Registration Certificates)

- Article 56-6-8 (1) Upon granting the registration or its renewal under Article 56-6-2, paragraph (1), the Minister of Economy, Trade and Industry issues the registration certificate.
- (2) The registration certificate referred to in the preceding paragraph must have the following entries:
- (i) date of registration or its renewal and registration number;
 - (ii) person's name or business name and address; and
 - (iii) specified equipment business category.

(Notification Reports of Change)

- Article 56-6-9 A registered specified equipment manufacturer must inform the Minister of Economy, Trade and Industry of any change which has taken place under Article 56-6-2, paragraph (2), item (i) or items (iii) through (vi) or any change made in the specified equipment inspection rules without delay; provided, however, that this does not apply if the change is of a minor nature as specified by Order of the Ministry of Economy, Trade and Industry.

(Correction of Registration Certificates)

Article 56-6-10 In submitting the notification report pursuant to the provisions of the preceding Article, a registered specified equipment manufacturer must submit the registration certificate for correction along with the notification report and if there is any change to the entries of the registration certificate.

(Notification Reports of Discontinuation)

Article 56-6-11 A registered specified equipment manufacturer must inform the Minister of Economy, Trade and Industry of the discontinuation of the registered business without delay if the registered business is discontinued.

(Reissuance of Registration Certificates)

Article 56-6-12 A registered specified equipment manufacturer may apply to the Minister of Economy, Trade and Industry for the reissuance of the registration certificate if they soil, damage, or lose the registration certificate, and may obtain a reissued registration certificate.

(Duty to Conform to Standards)

Article 56-6-13 (1) When a registered specified equipment manufacturer intends to manufacture the specified equipment of the registered specified equipment business category, the specified equipment must conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-3, paragraph (4); provided, however, that this does not apply to the specified equipment serving the usages specified by Order of the Ministry of Economy, Trade and Industry as referred to in paragraph (1), item (ii) of the Article.

(2) In accordance with the specified equipment inspection rules, a registered specified equipment manufacturer under the preceding paragraph must conduct inspection of the specified equipment referred to in the paragraph which they intend to manufacture (excluding those to be manufactured pursuant to the provisions of the proviso of the paragraph), prepare an inspection record and keep it.

(Specified Equipment Standards Conformity Certificates)

Article 56-6-14 (1) When a registered specified equipment manufacturer has manufactured the specified equipment of the registered specified equipment business category, they may request the issuance of a specified equipment standards conformity certificate by submitting the inspection record of the specified equipment describing the items specified by Order of the Ministry of Economy, Trade and Industry to the Minister of Economy, Trade and Industry,

the Institute, or a designated specified equipment inspection body.

- (2) Upon receiving the inspection record referred to in the preceding paragraph from a registered specified equipment manufacturer, the Minister of Economy, Trade and Industry, the Institute, or a designated specified equipment inspection body must issue a specified equipment standards conformity certificate if they find by the submitted inspection records that the specified equipment conform to the standards specified by Order of the Ministry of Economy, Trade and Industry as referred to in Article 56-3, paragraph (4).
- (3) The format of a specified equipment standards conformity certificate is specified by Order of the Ministry of Economy, Trade and Industry.
- (4) The provisions of Article 56-4, paragraphs (2) and (3) apply mutatis mutandis to a specified equipment standards conformity certificate.

(Marking)

- Article 56-6-15 (1) The provisions of Article 56-5, paragraph (1) apply mutatis mutandis to a person submitting the inspection record referred to in paragraph (1) of the preceding Article (including the cases as applied pursuant to Article 56-6-22, paragraph (2)). In this case, the phrases "paragraph (1) of the preceding Article" and "specified equipment inspection certificate" in Article 56-5, paragraph (1) are deemed to be replaced with "Article 56-6-14, paragraph (2)" and "specified equipment standards conformity certificate" respectively.
- (2) The provisions of Article 56-6 apply mutatis mutandis to a person to whom a specified equipment standards conformity certificate has been issued.

(Orders for Improvement)

Article 56-6-16 The Minister of Economy, Trade and Industry may issue an order to a registered specified equipment manufacturer to repair or remodel the manufacturing equipment for the specified equipment or the inspection equipment for the specified equipment, to improve the quality control method and inspection organization, to change the specified equipment inspection rules, and to take whatever measures are deemed necessary under any of the following cases:

- (i) when the manufacturing equipment for the specified equipment is deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-6-4, paragraph (1), item (i);
- (ii) when the inspection equipment for the specified equipment is deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-6-4, paragraph (1), item (ii);
- (iii) when quality control method and an organization for inspection are

- deemed not to conform to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-6-4, paragraph (1), item (iii);
- (iv) when the inspection method referred to in Article 56-6-4, paragraph (1), item (v) is deemed not to conform to the method specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-3, paragraph (4);
 - (v) when a person that does not have the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 56-6-4, paragraph (1), item (iv) is assigned to conduct the inspection of the specified equipment;
 - (vi) when the provisions of Article 56-6-13 are deemed to have been violated; or
 - (vii) when a disaster due to high pressure gas has taken place involving the specified equipment for which a specified equipment standards conformity certificate has been issued under the provisions of Article 56-6-14, paragraph (2) (referred to below as the "self-inspected specified equipment") and when the disaster is found to have been caused by a defect of the self-inspected specified equipment.

(Lapse of Registration)

Article 56-6-17 When a registered specified equipment manufacturer has discontinued their registered business, the relevant registration ceases to be effective.

(Revocation of Registration)

Article 56-6-18 If a registered specified equipment manufacturer falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration:

- (i) when the provisions of Article 56-4, paragraph (2) which are applied mutatis mutandis pursuant to Article 56-6-14, paragraph (4), Article 56-5, paragraph (2), or Article 56-6-13 are violated;
- (ii) when any of the provisions of Article 56-6-3 item (i) or item (iii) become relevant;
- (iii) when an order issued in accordance with the provisions of Article 56-6-16 is violated;
- (iv) when the registration under Article 56-6-2, paragraph (1) or its renewal is obtained by wrongful means; or
- (v) when the valid registration under Article 56-6-22 paragraph (1) is revoked.

(Deletion of Registration)

Article 56-6-19 If the registration of a registered specified equipment

manufacturer has become invalid, the Minister of Economy, Trade and Industry must delete the registration.

(Return of Registration Certificates)

Article 56-6-20 If the registration of a registered specified equipment manufacturer has ceased to be valid, the registered manufacturer must return the registration certificate to the Minister of Economy, Trade and Industry without delay.

(Transcripts of Register of Specified Equipment Manufacturers)

Article 56-6-21 Anyone may request the Minister of Economy, Trade and Industry to issue an authenticated copy of the register of specified equipment manufacturers or to allow them to inspect the register.

(Registration of Foreign Specified Equipment Manufacturers)

Article 56-6-22 (1) A person that is engaged in the business of manufacturing the specified equipment abroad for export to Japan may register each of their factories or workplaces with the Minister of Economy, Trade and Industry in accordance with the specified equipment business category.

(2) The provisions of Article 56-6-2, paragraphs (2) through (4), Articles 56-6-3 through 56-6-8, Article 56-6-17, Article 56-6-19, and the preceding Article apply mutatis mutandis to registration under the preceding paragraph while the provisions of Article 56-5, paragraph (2), Articles 56-6-9 through 56-6-13, Article 56-6-14, paragraphs (1) and (2), Article 56-6-16, and Article 56-6-20 apply mutatis mutandis to a registered foreign specified equipment manufacturer. In this case, the phrase "any person" in Article 56-5, paragraph (2) is deemed to be replaced with "no registered foreign specified equipment manufacture", the phrase "the specified equipment" in Article 56-5, paragraph (2) is deemed to be replaced with "the specified equipment to be exported to Japan", the phrase "register of specified equipment manufacturers" in Article 56-6-7 and the preceding Article is deemed to be replaced with "register of foreign specified equipment manufacturers", and the phrase "issue an order" in Article 56-6-16 is deemed to be replaced with "demand".

(Revocation of Registration of Registered Foreign Specified Equipment Manufacturers)

Article 56-6-23 If a registered foreign specified equipment manufacturer falls under any of the following items, the Minister of Economy, Trade and Industry may revoke the registration:

(i) when the provisions of Article 56-4, paragraph (2) which are applied mutatis mutandis pursuant to Article 56-6-14, paragraph (4), Article 56-5, paragraph

- (2) (including the cases as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article) or Article 56-6-13 as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article are violated;
- (ii) when the provisions of Article 56-6-3, item (i) or (iii) as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article become relevant;
- (iii) when the demand made under the provisions of Article 56-6-16 as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is not met;
- (iv) when the report required by the Minister of Economy, Trade and Industry of a registered foreign specified equipment manufacturer on the manufacturer's state of business or finance as specified by Cabinet Order within the limits necessary for enforcement of this Act is not submitted or when a false report is submitted;
- (v) when an intended inspection of the books, documents, and other items or questioning of the persons concerned within the limits necessary for enforcement of this Act by an employee of the Ministry of Economy, Trade and Industry assigned by the Minister of Economy, Trade and Industry at an office, business office, factory, storage facility of the specified equipment to be exported to Japan or any other place of business of a registered foreign specified equipment manufacturer is refused, prevented, or avoided or no reply is made or a false reply is made to a question posed by the employee;
- (vi) when the registration referred to in paragraph (1) of the preceding Article or its renewal is obtained by a wrongful means; or
- (vii) when the valid registration obtained under Article 56-6-2, paragraph (1) is revoked.

Section 3 Designated Equipment

(Accreditation of Designated Equipment)

Article 56-7 (1) A manufacturer of the equipment specified by Cabinet Order as having no risk of interfering with the maintenance of public safety and the prevention of disasters among the equipment for the production (including storage for production) of high pressure gas (the equipment is referred to below as the "designated equipment"), an importer of the designated equipment, and a foreign manufacturer of that to be exported to Japan may receive accreditation of the designated equipment from the Minister of Economy, Trade and Industry, the Institute, or a body designated by the Minister of Economy, Trade and Industry (referred to below as a "designated equipment accreditation body") in accordance with Order of the Ministry of Economy, Trade and Industry.

- (2) When there is an application for the accreditation of designated equipment under the preceding paragraph, the Minister of Economy, Trade and Industry, the Institute, or a designated equipment accreditation body is to give accreditation if the designated equipment is in conformity with the technical standards specified by Order of the Ministry of Economy, Trade and Industry.

(Designated Equipment Accreditation Certificates)

- Article 56-8 (1) When the Minister of Economy, Trade and Industry, the Institute, or a designated equipment accreditation body has accredited designated equipment pursuant to the provisions of paragraph (2) of the preceding Article, they must promptly issue a designated equipment accreditation certificate to the person that applied for accreditation.
- (2) The format for a designated equipment accreditation certificate is specified by Order of the Ministry of Economy, Trade and Industry.
- (3) The provisions of Article 56-4, paragraphs (2) and (3) apply mutatis mutandis to a designated equipment accreditation certificate. In this case, the term "designated specified equipment inspection body " in the paragraph is deemed to be replaced with "designated equipment accreditation body."

(Corresponding Applications)

- Article 56-9 (1) The provisions of Article 56-5 apply mutatis mutandis to the person that has been given accreditation of designated equipment. In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of the Article is deemed to be replaced with " Article 56-8, paragraph (1)" and the phrase "specified equipment inspection certificate" is deemed to be replaced with "designated equipment accreditation certificate" in Article 56-5, paragraph (1).
- (2) The provisions of Article 56-6 apply mutatis mutandis to the person that has been given a specified equipment accreditation certificate. In this case, the term "designated specified equipment inspection body " in the Article is deemed to be replaced with "designated equipment accreditation body".

Section 4 Refrigeration Apparatuses

(Manufacture of Apparatuses Used in Refrigeration Equipment)

- Article 57 A person that intends to engage in the business of manufacturing apparatuses to be exclusively used in refrigeration equipment and specified by Order of the Ministry of Economy, Trade and Industry (this person is referred to below as an "apparatus manufacturer") must manufacture apparatuses in accordance with the technical standards specified by Order of the Ministry of Economy, Trade and Industry to ensure that the equipment using the

apparatuses conforms to the technical standards specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 8, item (i) or Article 12, paragraph (1).

Article 58 Deleted

Article 58-2 Deleted

Chapter IV-2 Designated Examining Body

Section 1 Designated Examining Body

(Designation)

Article 58-3 The designation under Article 31-2, paragraph (1) is granted in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person planning to conduct the examination services.

(Disqualification Clauses)

Article 58-4 A person that falls under any of the following items is disqualified from designation under Article 31-2, paragraph (1):

- (i) a person that violated this Act or an order pursuant to this Act, was sentenced to a fine or severer punishment, and for whom two years have not passed from the date when the person completed or was no longer subject to punishment;
- (ii) a person whose designation was revoked under Article 58-15, paragraph (2), and for whom two years have not passed from the date of revocation; or
- (iii) an entity, for which any of its officers engaged in the business fall under any of the following situations:
 - (a) a person that falls under the item (i); or
 - (b) a person who was dismissed from office by the order pursuant to Article 58-11 and for whom two years have not passed from the date of the dismissal.

(Standards for Designation)

Article 58-5 The Minister of Economy, Trade and Industry must not approve an application for designation under Article 31-2, paragraph (1) unless the Minister finds that the application satisfies all of the following items:

- (i) a plan for implementing examination services with respect to employees, equipment, a method of implementation of examination services, and other related matters is appropriate for proper implementation of examination services;

- (ii) the applicant has sufficient financial base and technical capability to properly carry out the plan for implementing the examination services referred to in the preceding item;
- (iii) the applicant is a general incorporated association or general incorporated foundation; and
- (iv) If the applicant is conducting any service other than the examination services, there is to be no risk of unfair examination services being implemented because they are engaged in other service.

(Notification Reports of Change)

- Article 58-6 (1) A designated examining body must submit a notification report to the Minister of Economy, Trade and Industry at least two weeks before the date the body intends to change its name or the location of its principal office.
- (2) A designated examining body must submit a notification report to the prefectural governor who entrusted the examination services in accordance with Article 31-2, paragraph (1) (referred to below as "entrusting prefectural governor") at least two weeks before the body intends to change its name or the location of principal office. Likewise, when the body changes its office handling the examination services, the body must submit a notification report to the relevant entrusting prefectural governor at least two weeks before the date the change takes place.

(Examination Service Rules)

- Article 58-7 (1) A designated examining body must establish its rules for implementation of the examination services (referred to below as "examination service rules"), and must have them approved by the Minister of Economy, Trade and Industry. The same applies when a designated examining body changes the examination service rules.
- (2) A designated examining body must hear the entrusting prefectural governor's opinion when the body intends to change the examination service rules in accordance with the provisions of the second sentence of the preceding paragraph.
- (3) Matters to be prescribed in the examination service rules are specified by Order of the Ministry of Economy, Trade and Industry.
- (4) If the examination service rules as authorized in paragraph (1) are found to have become inappropriate for the fair implementation of the examination services, the Minister of Economy, Trade and Industry may order the designated examining body to change the examination service rules.

(Suspension or Abolition of Examination Services)

- Article 58-8 (1) A designated examining body must not suspend or discontinue

the examination services either wholly or partially unless it has obtained a permission of the Minister of Economy, Trade and Industry.

- (2) The permission stated in the preceding paragraph must not be given by the Minister of Economy, Trade and Industry unless the suspension or abolition in whole or in part is deemed to have no risk of adversely affecting the proper and unfailing implementation of the examination services.
- (3) Before granting the permission under paragraph (1), the Minister of Economy, Trade and Industry must seek the opinion of the relevant entrusting prefectural governor.
- (4) Upon granting the permission under paragraph (1), the Minister of Economy, Trade and Industry must notify the relevant entrusting prefectural governor to the effect.

(Business Plans)

- Article 58-9 (1) Before the start of every business year (or without delay after the date of authorization in the case of the business year in which authorization under Article 31-2, paragraph (1) was granted), a designated examining body must prepare its business plan and an estimate of revenues and expenditures for the business year, and must obtain the authorization of the Minister of Economy, Trade and Industry. Authorization is likewise required when the plan or estimate is changed.
- (2) When preparing or changing its business plan and the estimate of revenues and expenditures, a designated examining body must seek the opinion of the entrusting prefectural governor.
 - (3) Within three months after the end of every business year, a designated examining body must prepare a business report and a statement of accounts for that business year and must submit them to the Minister of Economy, Trade and Industry and to the entrusting prefectural governor.

(Appointment or Dismissal of Officers)

- Article 58-10 The appointment or dismissal of an officer of a designated examining body does not come into effect unless the authorization of the Minister of Economy, Trade and Industry is obtained.

(Order to Dismiss Officer)

- Article 58-11 If an officer of a designated examining body violates this Act, an order pursuant to this Act, or the examination service rules, or commits an act exceedingly inappropriate in relation to the examination services, the Minister of Economy, Trade and Industry may order the designated examining body to dismiss the officer.

(Examination Committee Members)

- Article 58-12 (1) When conducting the examination services, a designated examining body must entrust the examination committee members to determine whether an applicant has the knowledge and skills required for as a production safety manager or sales chief.
- (2) When appointing an examination committee member, a designated examining body must appoint a member from among those persons who satisfy the requirements specified by Order of the Ministry of Economy, Trade and Industry.
- (3) After having appointed an examination committee member, a designated examining body must submit a notification report of the appointment to the Minister of Economy, Trade and Industry in accordance with Order of the Ministry of Economy, Trade and Industry. The same applies when an examination committee member has been changed.
- (4) The provisions of the preceding Article apply mutatis mutandis to an examination committee member.

(Duty of Confidentiality)

- Article 58-13 (1) An officer or employee of a designated examining body (including an examination committee member; the same applies in the following paragraph) or a person who formerly held these positions must not disclose any confidential information that they acquire in the course of the examination services.
- (2) An officer or employee of a designated examining body who is engaged in examination services is deemed to be an employee engaged in public service under laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) or other penal provisions.

(Orders to Comply)

- Article 58-14 (1) If a designated examining body is deemed to be no longer in conformity with any of the items in Article 58-5 (except item (iii); the same applies in this paragraph), the Minister of Economy, Trade and Industry may order the designated examining body to take necessary measures to attain conformity with the relevant items.
- (2) Beyond what is provided for in the preceding paragraph, the Minister of Economy, Trade and Industry may issue an order to a designated examining body that is necessary from the standpoint of the supervision of the examination services when the Minister finds it necessary to do so to ensure proper implementation of the entrusted examination services.
- (3) The entrusting prefectural governor may instruct a designated examining body to take measures necessary for the proper implementation of the

entrusted examination services when the governor finds it necessary to do so to secure the proper implementation of the examination services.

(Revocation of Designation)

Article 58-15 (1) If a designated examining body no longer conforms to Article 58-5, item (iii), the Minister of Economy, Trade and Industry must revoke the designation.

(2) If a designated examining body falls under any of the items below, the Minister of Economy, Trade and Industry may revoke the designation or may order a suspension of the examination services in whole or in part for a specified period:

- (i) when a designated examining body falls under Article 58-4, item (i) or (iii);
- (ii) when a designated examining body has conducted the examination services in violation of the examination service rules as authorized under Article 58-7, paragraph (1);
- (iii) when a designated examining body has violated an order under Article 58-7, paragraph (4), Article 58-11 (including the cases as applied mutatis mutandis pursuant to Article 58-12, paragraph (4)) or paragraph (1) or (2) of the preceding Article;
- (iv) when a designated examining body has violated any provisions of Article 58-8, paragraph (1), Article 58-9, paragraph (1) or (3), or Article 58-12, paragraphs (1) through (3); or
- (v) when a designated examining body has been designated under Article 31-2 paragraph (1), through wrongful means.

(3) When designation has been revoked pursuant to the provisions of paragraph (1) or the preceding paragraph, or a suspension of the whole or a part of the examination services has been ordered under the paragraph, the Minister of Economy, Trade and Industry must notify the matter to the relevant entrusting prefectural governor.

(Implementing Examination Services by the Minister of Economy, Trade and Industry or the Entrusting Prefectural Governor)

Article 58-16 (1) When a designated examining body has suspended all or a part of the examination services by obtaining a license under Article 58-8, paragraph (1) when the Minister of Economy, Trade and Industry has ordered a designated examining body to suspend all or a part of the examination service in accordance with paragraph (2) of the preceding Article or when the Minister of Economy, Trade and Industry deems it necessary to do so if a designated examining body finds it difficult to implement all or a part of the examination services due to a natural disaster or other reasons, the Minister of Economy, Trade and Industry or the entrusting prefectural governor is to

directly conduct all or a part of the examination services.

- (2) When the entrusting prefectural governor is to conduct the examination services pursuant to the provisions of the preceding paragraph or when the reason for the entrusting prefectural governor is to conduct the examination services pursuant to the provisions of the paragraph has ceased to exist, the Minister of Economy, Trade and Industry must promptly notify the entrusting prefectural governor to that effect.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 58-17 Beyond what is provided for in this Act, particulars necessary for the transfer of the examination services are specified by Order of the Ministry of Economy, Trade and Industry.

Section 2 Designated Completion Inspection Body

(Designation)

Article 58-18 In accordance with Order of the Ministry of Economy, Trade and Industry, the designation referred to in the proviso of paragraph (1) of Article 20 is approved, in response to an application filed by a person who intends to undertake a completion inspection as requested by other person in accordance with categories specified by Order of the Ministry of Economy, Trade and Industry.

(Disqualification Clause)

Article 58-19 A person who falls under any of the following items is disqualified from designation under the proviso of Article 20, paragraph (1):

- (i) a person that violated this Act or any disposition under the Act and was sentenced to punishment, and for whom two years have not passed from the date when the person completed or was no longer subject to punishment;
- (ii) a person whose previously obtained designation was revoked in accordance with the provisions of Article 58-30 and for whom two years have not passed from the date of the revocation; or
- (iii) a corporation, for which any of its officers engaged in the business fall under either of the preceding two items.

(Standards for Designation)

Article 58-20 The Minister of Economy, Trade and Industry must not approve the designation under the proviso of Article 20, paragraph (1) unless the application for designation satisfies all of the following items:

- (i) the devices and other equipment used for the completion inspection are those specified by Order of the Ministry of Economy, Trade and Industry;

- (ii) the person who performs the completion inspection has the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry, and the number of the persons is equal to or more than the number specified by Order of the Ministry of Economy, Trade and Industry;
- (iii) if the applicant is a corporation, the composition of its officers and members specified according to the types of corporations by Order of the Ministry of Economy, Trade and Industry is to have no possibility of interfering with the fair implementation of the completion inspection;
- (iv) beyond what is provided for in the preceding items, an applicant conforms to the standards specified by Order of the Ministry of Economy, Trade and Industry so there is no risk of making completion inspection unfair;
- (v) the applicant has a sufficient financial base for properly and smoothly implementing the service of completion inspection; and
- (vi) the designation by the Minister of Economy, Trade and Industry is not to obstruct the proper and smooth implementation of the completion inspection regarding the application.

(Renewal of Designation)

- Article 58-20-2 (1) The designation referred to in the proviso of Article 20, paragraph (1) ceases to be effective with the lapse of a period of five years or more and ten years or less specified by Cabinet Order unless it is renewed by the end of every designation period.
- (2) The provisions of Article 58-18 through the preceding Article apply *mutatis mutandis* to the renewal of designation stated in the preceding paragraph.

(Duty of Completion Inspection)

- Article 58-21 (1) A designated completion inspection body must promptly conduct the completion inspection without delay as requested except when there are reasonable grounds not to do so.
- (2) A designated completion inspection body must use the devices and other equipment under Article 58-20, item (i) when conducting the completion inspection and have the inspections performed by the person under item (ii) of the Article.

(Notification Report of Changing Places of Business)

- Article 58-22 When changing the place of business for completion inspection, a designated completion inspection body must submit a notification report of the change to the Minister of Economy, Trade and Industry as specified by Order of the Ministry of Economy, Trade and Industry no later than two weeks before the date of the intended change.

(Operational Rules)

Article 58-23 (1) A designated completion inspection body must prepare its rules for the service of completion inspection (referred to below as "operational rules") and have them authorized by the Minister of Economy, Trade and Industry. Authorization is likewise required when the body plans to change the rules.

(2) Matters to be provided for in the operational rules are specified by Order of the Ministry of Economy, Trade and Industry.

(3) The Minister of Economy, Trade and Industry may order a designated completion inspection body to change its operational rules authorized under paragraph (1) when the Minister finds the rules inappropriate for the fair implementation of completion inspection.

(Suspension or Abolition of Inspection Services)

Article 58-24 If a designated completion inspection body suspends or discontinues the whole or a part of the business of completion inspection, the inspection body must submit a notification report of the suspension or discontinuation in advance to the Minister of Economy, Trade and Industry, as specified by Order of the Ministry of Economy, Trade and Industry.

Article 58-25 Deleted

Article 58-26 Deleted

(Order to Dismiss)

Article 58-27 If a person provided for in Article 58-20, item (ii), violates the provisions of this Act, or any order pursuant to this Act, or the operational rules, the Minister of Economy, Trade and Industry may order the designated completion inspection body to dismiss the person referred to in the item.

(Positions of Officers)

Article 58-28 An officer or member of a designated completion inspection body engaged in the service of completion inspection is deemed to be an employee engaged in public service under laws and regulations with regard to the application of the Penal Code or other penal provisions.

(Order to Comply)

Article 58-29 If a designated completion inspection body is deemed to be no longer in conformity with Article 58-20, items (i) through (v), the Minister of Economy, Trade and Industry may order the designated completion inspection

body to take a necessary measure to conform to the items.

(Revocation of Designation)

Article 58-30 If a designated completion inspection body falls under any of the items below, the Minister of Economy, Trade and Industry may revoke the designation, or may order suspension of the completion inspection in whole or in part for a specified period:

- (i) when a designated completion inspection body has violated any provisions of this Section or Article 20, paragraph (4);
- (ii) when a designated completion inspection body falls under Article 58-19, item (i) or (iii);
- (iii) when a designated completion inspection body has conducted completion inspection in violation of the operational rules authorized under Article 58-23, paragraph (1);
- (iv) when a designated completion inspection body has violated an order pursuant to the provisions of Article 58-23, paragraph (3), Article 58-27 or the preceding Article; or
- (v) when a designated completion inspection body has been designated under the proviso of Article 20, paragraph (1) by wrongful means.

Section 2-2 Designated Import Inspection Body

(Designation)

Article 58-30-2 (1) The designation referred to in Article 22, paragraph (1), item (i) in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person that intends to undertake import inspections.

(2) The provisions of Articles 58-19 through 58-24 and Article 58-27 through the preceding Article apply mutatis mutandis to a designated import inspection body. In this case, the phrase "the proviso of Article 20, paragraph (1)" in Article 58-19, Article 58-20, Article 58-20-2, and the preceding Article is deemed to be replaced with "Article 22, paragraph (1), item (i)", the phrase "completion inspection" in Article 58-20, Articles 58-21 through 58-24, Article 58-28 and the preceding Article is deemed to be replaced with "import inspection", and the phrase "Article 20, paragraph (4)" in the Article is deemed to be replaced with "Article 22, paragraph (2)".

Section 2-3 Designated Safety Inspection Body

(Designation)

Article 58-30-3 (1) The designation referred to in Article 35, paragraph (1), item

(i) is approved in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person that intends to undertake safety inspection as requested by other person in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry.

- (2) The provisions of Articles 58-19 through 58-24 and Articles 58-27 through 58-30 apply mutatis mutandis to a designated safety inspection body. In this case, the phrase "the proviso of Article 20, paragraph (1)" in Article 58-19, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with "Article 35, paragraph (1), item (i)", the phrase "completion inspection" in Article 58-20, Articles 58-21 through 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "safety inspection", and the phrase "Article 20, paragraph (4)" in the Article is deemed to be replaced with "Article 35, paragraph (3) ".

Section 3 Designated Container Inspection Body

(Designation)

Article 58-31 (1) The designation referred to in Article 44, paragraph (1) is approved in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person that intends to undertake a container inspection, container re-inspection, accessory inspection and accessory re-inspection (referred to below as "container inspection, etc.") as requested by other person in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry.

- (2) The provisions of Articles 58-19 through 58-24 and Articles 58-27 through 58-30 apply mutatis mutandis to a designated container inspection body. In this case, the phrase "the proviso of Article 20, paragraph (1)" in Articles 58-19 through 58-24, Article 58-27, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with " Article 44, paragraph (1)", the phrase "completion inspections" in Article 58-20, Articles 58-21 through 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "container inspection, etc." and the phrase " Article 20, paragraph (4)" in the Article is deemed to be replaced with "Article 45, paragraph (1) or (2), Article 49, paragraph (3) or (4), Article 49-3, paragraph (1), Article 49-4, paragraph (3), Article 54, paragraph (2), or Article 56, paragraph (2) (including the cases as applied mutatis mutandis pursuant to paragraph (4) of the Article) ".

Section 4 Designated Specified Equipment Inspection Body

(Designation)

Article 58-32 (1) The designation referred to in Article 56-3, paragraph (1) is

approved in accordance with Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person that intends to undertake the specified equipment inspection as requested by other person in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry.

- (2) The provisions of Articles 58-19 through 58-24 and Articles 58-27 through 58-30 apply mutatis mutandis to a designated specified equipment inspection body. In this case, the phrase "the proviso of Article 20, paragraph (1)" in Articles 58-19 through 58-24, Article 58-27, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with "Article 56-3, paragraph (1)", the phrase "completion inspection" in Article 58-20, Articles 58-21 through 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "specified equipment inspection", and the phrase "Article 20, paragraph (4)" in the Article is deemed to be replaced with "Article 56-4, paragraph (1)".

Section 5 Designated Equipment Accreditation Body

(Designation)

- Article 58-33 (1) The designation referred to in Article 56-7, paragraph (1) is approved in response to an application filed by a person that intends to confer accreditation under the paragraph (referred to below as "accreditation of the designated equipment").
- (2) The provisions of Articles 58-19 through 58-24 and Articles 58-27 through 58-30 apply mutatis mutandis to a designated equipment accreditation body. In this case, the phrase "the proviso of Article 20, paragraph (1)" in Articles 58-19 through 58-24, Article 58-27, Article 58-20, Article 58-20-2, and Article 58-30 is deemed to be replaced with "Article 56-7, paragraph (1)", the phrase "completion inspection" in Article 58-20, Articles 58-21 through 58-24, Article 58-28, and Article 58-30 is deemed to be replaced with "accreditation of designated equipment" and the phrase "Article 20, paragraph (4)" in the Article is deemed to be replaced with "Article 56-8, paragraph (1)".

Section 6 Investigation Body for Inspection Organizations

(Designation)

- Article 58-34 The designation referred to in Article 39-7, paragraph (1) or paragraph (3), the proviso of Article 39-14, paragraph (2), Article 49-8, paragraph (1), or Article 56-6-5, paragraph (1) is prescribed in accordance with Order of the Ministry of Economy, Trade and Industry for each of the investigations referred to in Article 39-7, paragraph (1) or paragraph (3), Article 39-16, paragraph (1), Article 49-8, paragraph (1), or Article 56-6-5,

paragraph (1) (referred to below collectively as "investigation of inspection organizations, etc.") in accordance with the categories specified by Order of the Ministry of Economy, Trade and Industry in response to an application filed by a person that intends to conduct investigations.

(Standards for Designation)

Article 58-35 The Minister of the Economy, Trade and Industry must not approve the designation under Article 39-7, paragraph (1) or paragraph (3), the proviso of Article 39-14, paragraph (2), Article 49-8, paragraph (1), or Article 56-6-5, paragraph (1) if the Minister finds that the application for designation does not conform to all of the following items:

- (i) a person who conducts investigation of inspection organizations, etc. has the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry, and the number of the persons is equal to or more than the number specified by Order of the Ministry of Economy, Trade and Industry;
- (ii) an applicant has a sufficient financial base and technical capability for properly and smoothly implementing the service of investigation of inspection organizations, etc.;
- (iii) if the applicant is a corporation, the composition of officers and employees specified according to the types of corporations by Order of the Ministry of Economy, Trade and Industry has no possibility of interfering with the fair implementation of investigation of inspection organizations, etc.;
- (iv) beyond what is provided for in the preceding item, an applicant conforms to the standards specified by Order of the Ministry of Economy, Trade and Industry so there is no risk of making investigation of inspection organizations, etc. unfair; and
- (v) the designation by the Minister of Economy, Trade and Industry does not obstruct the proper and smooth implementation of investigation of inspection organizations, etc. regarding the application.

(Applying Provisions Mutatis Mutandis)

Article 59 The provisions of Article 58-19, Articles 58-20-2 through 58-24, Articles 58-27 through 58-30 apply mutatis mutandis to a person that conducts investigation of inspection organizations, etc. under designation pursuant to the provision of Article 39-7, paragraph (1) or paragraph (3), the proviso of Article 39-14, paragraph (2), Article 49-8, paragraph (1), or Article 56-6-5, paragraph (1) (referred to below as "investigation body for inspection organizations, etc."). In this case, the phrase "the proviso of Article 20, paragraph (1)" in Article 58-19, Article 58-20-2 and Article 58-30 is deemed to be replaced with "Article 39-7, paragraph (1) or paragraph (3), the proviso of

Article 39-14, paragraph (2), Article 49-8, paragraph (1), or Article 56-6-5", paragraph (1), the phrase "of completion inspection" in the title of Articles 58-21, Articles 58-23, Articles 58-24, Article 58-28 and Article 58-30 is deemed to be replaced with "of investigation of inspection organizations, etc.", the phrase "completion inspection" in Article 58-21, Article 58-22 and Article 58-30 is deemed to be replaced with "investigation of inspection organizations, etc.", the phrase "use the devices and other equipment under Article 58-20, item (i) ... and ... item (ii) of the Article" in Article 58-21 is deemed to be replaced with "Article 58-35, item (ii)", the phrase "Article 58-20, item (ii)" in Article 58-27 is deemed to be replaced with "Article 58-35, item (i)", the phrase "Article 58-20, items (i) through (v)" in Article 58-29 is deemed to be replaced with "items (i) through (iv) of Article 58-35", the phrase "Article 20, paragraph (4)" in Article 58-30 is deemed to be replaced with Article 39-7, paragraph (2), paragraph (4) of the Article, Article 49-8, paragraph (2) or Article 56-6-5, paragraph (2)".

Chapter IV-3 The High Pressure Gas Safety Institute of Japan

Section 1 General Provisions

(Purpose)

Article 59-2 The purpose of the Institute is to provide services including investigation, research and guidance, and inspection and other services related to safety of high pressure gases in order to help prevent disasters due to high pressure gases.

(Legal Status)

Article 59-3 The Institute has the status of a corporation.

(Offices)

Article 59-4 (1) The Institute places its principal office in Tokyo.
(2) The Institute may have secondary offices in necessary locations.

(Articles of Incorporation)

Article 59-5 (1) The articles of incorporation of the Institute must describe the following:

- (i) purposes;
- (ii) name;
- (iii) locations of offices;
- (iv) matters related to members;
- (v) matters related to officers including their number, term of service, and selection method;
- (vi) matters related to councilors and the board of councilors;

- (vii) matters related to service and execution;
 - (viii) matters related to accounting;
 - (ix) matters related to amendment of the articles of incorporation; and
 - (x) matters related to public notice.
- (2) No amendment to the Articles of Incorporation of the Institute is effective unless authorized by the Minister of Economy, Trade and Industry.

(Registration)

Article 59-6 (1) The Institute is subject to registration under the provisions of Cabinet Order.

- (2) Matters requiring registration under the preceding paragraph may not be duly asserted against a third party until the registration has been completed.

(Restriction on Use of the Name)

Article 59-7 No person other than the Institute must use the name "High Pressure Gas Safety Institute of Japan".

(Application Mutatis Mutandis of the Act on General Incorporated Associations and General Incorporated Foundations)

Article 59-8 The provisions of Article 4 (Address) and Article 78 (Liability to Compensate for Damages Arising from the Acts of Representatives) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis with regard to the Institute.

Section 2 Members

(Eligibility)

Article 59-9 A person falling under any item below is eligible for membership of the Institute:

- (i) a person conducting the business of producing high pressure gas;
- (i)-2 a designated completion inspection body under the proviso of Article 20, paragraph (1);
- (i)-3 a designated safety inspection body under Article 35, paragraph (1), item (i);
- (i)-4 an investigation body for inspection organizations, etc. under Article 59;
- (ii) a person conducting the sales business of high pressure gas;
- (ii)-2 a designated import inspection body under Article 22, paragraph (1), item (i);
- (iii) a specific high pressure gas consumer;
- (iv) a container manufacturer or a person conducting the business of manufacturing container accessories;

- (iv)-2 a designated container inspection body under Article 44, paragraph (1) or a person with a registered container inspection station under Article 49, paragraph (1);
- (v) a person conducting the equipment manufacturing business for the production of high pressure gas;
- (v)-2 a designated specified equipment inspection body for under Article 56-3, paragraph (1);
- (v)-3 the designated equipment accreditation body under Article 56-7, paragraph (1);
- (v)-4 a designated training body under Article 31, paragraph (3) or a designated examining body under Article 31-2, paragraph (1);
- (vi) a person conducting the manufacturing business, or LPG appliances sales or other products as provided for in Article 2, paragraph (7) of the LPG Act or a domestic registered conformity inspection body under Article 55, paragraph (1) of the same Act;
- (vi)-2 a safety body under Article 27, paragraph (2) of the LPG Act;
- (vi)-3 a designated examining body under Article 38-6, paragraph (1) of the LPG Act or a person designated by the Minister of Economy, Trade and Industry under Article 38-9, paragraph (1) of the LPG Act;
- (vii) an association of persons falling under any of the foregoing items; or
- (viii) a person with specialized knowledge of technical matters related to the safety of high pressure gases or a person provided for in the articles of incorporation.

(Enrollment and Withdrawal)

- Article 59-10 (1) Without a justifiable reason, the Institute must not decline an application for enrollment made by a person eligible for membership.
- (2) A member of the Institute may withdraw from the Institute at any time.

(Membership Fees)

- Article 59-11 Every member of the Institute must pay a membership fee under the provisions of the articles of incorporation.

Section 3 Officers, Councilors, and Employees

(Officers)

- Article 59-12 The Institute has a chairperson, a vice chairperson, directors, and an auditor as officers.

(Duties and Powers of Officers)

- Article 59-13 (1) The chairperson represents the Institute and presides over its

affairs.

- (2) The vice chairperson assists the chairperson in administering the affairs of the Institute as prescribed by the chairperson, act on behalf of the chairperson when the chairperson is prevented from acting due to an accident, and performs the duties of the chairperson when their position is vacant.
- (3) A director assists the chairperson and the vice chairperson in administering the affairs of the Institute as prescribed by the chairperson, act on behalf of the chairperson and the vice chairperson when they are prevented from acting due to an accident, and perform their duties when their positions are vacant.
- (4) An auditor audits the affairs of the Institute.
- (5) When deemed necessary, an auditor may submit their opinion based on the audit results to the chairperson or the Minister of Economy, Trade and Industry.

Article 59-14 Deleted

(Officer Disqualification Clauses)

Article 59-15 An employee of the State or a local government (except a part-time employee) may not become an officer of the Institute.

Article 59-16 When an officer of the Institute falls under Article 59-15, the Institute must dismiss the officer.

(Appointment or Dismissal of Officers)

Article 59-17 (1) The appointment and dismissal of an officer of the Institute do not come into effect unless the authorization of the Minister of Economy, Trade and Industry is obtained.

(2) If an officer of the Institute violates this Act, an order or disposition under this Act, the articles of incorporation, or the Institute's operational method statement, or commits an extremely inappropriate act in relation to the service of the Institute, the Minister of Economy, Trade and Industry may order the Institute to dismiss the officer, specifying a time limit.

(3) If the Institute does not dismiss an officer who has become ineligible under the provisions of Article 59-15 or does not obey the order related to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry may dismiss the officer.

(Prohibition of Concurrent Holding of Positions by Officers)

Article 59-18 An officer is not allowed to take a position as an officer of a profit-making organization, or personally engages in a profit-making business; provided, however, that this does not apply when the Minister of Economy,

Trade and Industry has approved it, deeming that it does not prejudice the performance of their duties as an officer.

(Restriction on Authority of Representation)

Article 59-19 The chairperson does not have the authority of representation of the Institute with respect to any matter in which the interests of the Institute conflict with those of the chairperson. In this case, the auditor represents the Institute.

(Appointment of Representatives)

Article 59-20 The chairperson may appoint a representative who is empowered to act in or out of a court with respect to all affairs of a secondary office of the Institute, from among the directors or employees of the Institute.

(Board of Councilors)

Article 59-21 (1) The Institute has a board of councilors.

(2) The board of councilors consists of the chairperson and the number of councilors specified in the articles of incorporation.

(3) The board of councilors has a council chairperson and the chairperson of the Institute serves as the council chairperson.

(4) The council chairperson presides over the affairs of the board of councilors.

(5) In advance, from among the councilors, the board of councilors must appoint a person who serves as deputy for the council chairperson if the chairperson is unable to perform their duty.

(Councilors)

Article 59-22 Councilors are elected by the members under the articles of incorporation from among the members (or from the representative or agent if a member is a corporation).

(Powers of Board of Councilors)

Article 59-23 (1) The following issues must be subject to resolutions of the board of councilors:

(i) amendments to the articles of incorporation;

(ii) membership fee and method of collection; and

(iii) other matters as specified in the articles of incorporation.

(2) Beyond the items in the preceding paragraph, as requested by the chairperson, the board of councilors is to study and deliberate important matters with respect to the operation of the Institute.

(Business of Board of Councilors)

Article 59-24 (1) The board of councilors may not open a meeting or make any decision unless a majority of the councilors are present.

(2) The decision of the board of councilors is effected by a majority of the councilors who are present. If a vote ends in a tie, the council chairperson's vote decides the issue.

(Appointment of Employees)

Article 59-25 An employee of the Institute is appointed by the chairperson.

(Duty of Confidentiality of Officers)

Article 59-26 An officer or employee of the Institute (including those who conduct work relating to the determination in Article 59-30-2, paragraph (1); the same applies in the following Article and Article 83-3) or a person who formerly held these positions must not disclose or misappropriate any confidential information they come to know in relation to the performance of the duties of their position.

(Positions of Officers)

Article 59-27 Officers and employees of the Institute are deemed to be employees engaged in public service under laws and regulations with regard to the application of the Penal Code or other penal provisions.

Section 4 Services

(Scope of Services)

Article 59-28 (1) To achieve the purpose as provided for in Article 59-2, the Institute:

- (i) conducts studies and research, provide guidance, and gather and furnish information concerning the safety of high pressure gases;
- (ii) provides opinions to the Minister of Economy, Trade and Industry concerning technical matters relating to the safety of high pressure gases;
- (iii) provide training courses referred to in Article 27-2, paragraph (7) (including the cases where applied mutatis mutandis pursuant to Article 27-3, paragraph (3)) and Article 31, paragraph (3) of this Act as well as Article 19, paragraph (3), Article 37-5, paragraph (4) and Article 38-9 of the LPG Act;
- (iv) conducts completion inspection under the proviso of Article 20, paragraph (1) or of Article 20, paragraph (3), item (i), import inspection under Article 22, paragraph (1), item (i), safety inspection under Article 35, paragraph (1), item (i), container inspection under Article 44, paragraph (1), container re-inspection under Article 49, paragraph (1), accessory inspection under Article

- 49-2, paragraph (1), accessory re-inspection under Article 49-4, paragraph (1) tests under Article 49-23, paragraph (1), specified equipment inspection under Article 56-3, paragraphs (1) through (3), completion inspection under the proviso of Article 37-3, paragraph (1) of the LPG Act (including the cases where applied mutatis mutandis pursuant to Article 37-4, paragraph (4) of the LPG Act), safety inspection under the proviso of Article 37-6, paragraph (1) of the LPG Act (referred to below as "safety inspection, etc."), or other inspections as necessary for the safety of high pressure gases;
- (iv)-2 conduct investigations under Article 39-7, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 39-8, paragraph (2)), Article 39-7, paragraph (3) (including the cases as applied mutatis mutandis pursuant to Article 39-8, paragraph (3)), Article 39-16, paragraph (1) (including the cases in which applied mutatis mutandis pursuant to Article 39-17, paragraph (2)), Article 49-8, paragraph (1) (including the cases as applied mutatis mutandis pursuant to Article 49-9, paragraph (2) and Article 49-31, paragraph (2)) or Article 56-6-5, paragraph (1) (including the cases as applied mutatis mutandis pursuant to Article 56-6-6, paragraph (2) and Article 56-6-22, paragraph (2));
- (iv)-2-2 issues specified equipment standards conformity certificates under Article 56-6-14, paragraph (2);
- (iv)-2-3 accredits designated equipment;
- (iv)-3 provides training courses on the knowledge and skills required for an LPG installation engineer under Article 2, paragraph (6) of the LPG Act;
- (iv)-3-2 provides a guidance on the technologies required to become a safety body referred to in Article 27, paragraph (2) of the LPG Act (including a guidance commissioned by the State);
- (iv)-4 conducts clerical work for issuing certificates or examination services under the provisions of Article 29-2, paragraph (1) or Article 31-2, paragraph (1) of this Act or Article 38-4-2, paragraph (1) of the LPG Act or Article 38-6, paragraph (1) of the LPG Act, clerical work for issuing certificates under Article 38-4-2, paragraph (1) of the LPG Act or clerical work relating to the implementation of the LPG installation engineer examination under Article 38-6, paragraph (1) of the LPG Act (referred to below as "examination services, etc.");
- (v) deleted
- (vi) provides education with respect to the safety of high pressure gases;
- (vii) conducts affairs incidental to the preceding items; and
- (viii) beyond what is listed in the preceding items, conduct other affairs as necessary to achieve the purpose of Article 59-2.
- (2) When conducting the affairs as provided for in item (viii) of the preceding paragraph, the Institute must obtain the authorization of the Minister of

Economy, Trade and Industry.

- (3) In addition to those duties referred to in paragraph (1), with the authorization of the Minister of Economy, Trade and Industry, the Institute may provide inspections, tests, and other services, utilizing the equipment or technology owned by the Institute that is related to operations to maintain high pressure gas safety, or other services as deemed appropriate to be conducted by the Institute, to the extent those services do not adversely affect the smooth implementation of the duties referred to in paragraph (1).

(Operational Method Statements)

Article 59-29 (1) When starting the operation, the Institute must prepare its operational method statement and have the statement authorized by the Minister of Economy, Trade and Industry. Authorization is likewise required when the Institute intends to change the statement.

- (2) The matters to be included in the operational method statement under the preceding paragraph are specified by Order of the Ministry of Economy, Trade and Industry.
- (3) When the operational method statement as authorized under paragraph (1) is found to be inappropriate for the proper implementation of safety inspections, etc., accreditation of designated equipment, or examination services, etc., the Minister of Economy, Trade and Industry may order to change the part of the statement regarding safety inspections, etc., accreditation of designated equipment, or examination services, etc.

(Duty of Safety Inspections and Inspectors)

Article 59-30 (1) The Institute must conduct safety inspection, etc., or accreditation of designated equipment without delay if requested except when there are reasonable grounds not to do so.

- (2) When conducting a safety inspection, etc. or accreditation of designated equipment, the Institute must have the work performed by a person with the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry.
- (3) A person who performs safety inspection, etc., or accreditation of specified equipment (referred to below as "inspector") must perform the duties in good faith.
- (4) When an inspector has violated any provisions of this Act or the LPG Act, an order specified by the operational method statement or when their performance of duty is deemed likely to interfere with the proper implementation of safety inspections, etc., or the accreditation of designated equipment, the Minister of Economy, Trade and Industry may order the Institute to dismiss the inspector from the service.

(Examination Services)

Article 59-30-2 (1) When conducting examination services, etc., the Institute must entrust a person who has the knowledge and experience that conform to the conditions specified by Order of the Ministry of Economy, Trade and Industry regarding the affairs related to the decision if an applicant has the knowledge and experience after determining whether the person has the knowledge and skills required for a production safety manager, sales chief, or LPG installation engineer.

(2) The prefectural governor who has entrusted examination services, etc. in whole or in part to the Institute may instruct the Institute to take measures necessary for the proper implementation of the entrusted examination services, etc. without infringing on the scope of the operational method statement, when the governor deems it necessary to do so to secure the proper implementation of the examination services, etc.

(3) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis when the Institute conducts examination services, etc.

Section 4-2 Finance and Accounting

(Business Years)

Article 59-31 The business year of the Institute commences on the first day of April each year and closes on the thirty-first day of March of the subsequent year.

(Business Plans)

Article 59-32 The Institute must prepare its business plan and a budget for revenues and expenditures for each business year, and obtain the authorization of the Minister of Economy, Trade and Industry before the commencement of that business year. Authorization is likewise required if the business plan or budget is intended to be changed.

(Financial Statements)

Article 59-33 (1) The Institute must prepare an inventory of assets, a balance sheet, and a profit and loss statement (referred to below as "financial statements") for each business year and submit them to the Minister of Economy, Trade and Industry within three months after the close of the business year.

(2) When submitting the financial statements under the preceding paragraph to the Minister of Economy, Trade and Industry, the Institute must attach the statement of accounts for the relevant business year, prepared for each section

of the budget, and the auditor's written opinion on both the financial statements and the statement of accounts.

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 59-33-2 Beyond what is provided for in this Act and orders pursuant to, any other requirements for finance and accounting of the Institute are specified by Order of the Ministry of Economy, Trade and Industry.

Section 5 Supervision

(Supervision)

Article 59-34 (1) The Institute is under the supervision of the Minister of Economy, Trade and Industry.

(2) The Minister of Economy, Trade and Industry may issue an order to the Institute that is essential from the advisory point of view when the Minister finds it necessary for the implementation of this Act.

(Reports and Inspections)

Article 59-35 (1) The Minister of Economy, Trade and Industry may demand that the Institute give a report on its business, or may send their employee to enter the Institute's office or other place of business and inspect the books, records, or other items when the Minister finds it necessary to do so for the implementation of this Act.

(2) When entering and making inspections under the preceding paragraph, the employee must carry their identification and show it to the persons concerned.

(3) The authority for entrance and inspection under paragraph (1) must not be construed as being approved for criminal investigation.

Section 6 Dissolution

Article 59-36 Dissolution of the Institute is provided for by a separate Act.

Chapter V Miscellaneous Provisions

(Books)

Article 60 (1) A Class 1 producer, owner or possessor of a Class 1 or Class 2 storage facility, dealer, container manufacturer, and person with a registered container inspection station must arrange and keep books in accordance with Order of the Ministry of Economy, Trade and Industry to record matters as prescribed by Order of the Ministry of Economy, Trade and Industry with respect to the production, sales, incoming and outgoing of high pressure gas or

containers, or container re-inspection or accessory re-inspection.

- (2) A designated examining agency, designated completion inspection body, designated import inspection body, designated safety inspection body, designated container inspection body, designated specified equipment inspection body, designated equipment accreditation body, and investigation body for inspection organizations, etc. must arrange and keep books in accordance with Order of the Ministry of Economy, Trade and Industry to record matters as prescribed by Order of the Ministry of Economy, Trade and Industry with respect to the completion inspection, import inspection, examination services, safety inspection, investigation of inspection organizations, etc., container inspection, etc., specified equipment inspection, or accreditation of designated equipment.

(Investigation Requests)

Article 60-2 If a serious incident relating to cyber security (meaning cyber security as provided in the provisions of Article 2 of the Basic Act on Cybersecurity (Act No. 104 of 2014)) occurs or is suspected to have occurred with respect to an accredited advanced safety provider or a person designated by Order of the Ministry of Economy, Trade and Industry as an important person for ensuring security, the Minister of Economy, Trade and Industry may request that the Information-technology Promotion Agency, Japan conduct an investigation to determine the cause of the incident if the Minister determines that it is necessary.

(Collection of Reports)

Article 61 (1) The Minister of Economy, Trade and Industry or the prefectural governor may demand a report on the business from any Class 1 producer, Class 2 producer, owner or possessor of a Class 1 or Class 2 storage facility, dealer, importer of high pressure gas, specific high pressure gas consumer, LPG dealer under Article 6 of the LPG Act, container manufacturer, importer of containers, person with a registered container inspection station, or apparatus manufacturer when they find it necessary to do so for the maintenance of public safety or the prevention of disasters, they.

- (2) The Minister of Economy, Trade and Industry may demand a report on the business or accounting status from a designated completion inspection body, designated import inspection body, designated safety inspection body, designated container inspection body, designated specified equipment inspection body, designated specified equipment accreditation body, or investigation body for inspection organizations, etc. when they find it necessary to do so for the maintenance of public safety or the prevention of disasters.

- (3) The Minister of Economy, Trade and Industry may demand a report on the business or accounting status from a designated training body or designated examining body when the Minister of Economy, Trade and Industry finds it necessary to do so to secure the proper implementation of the training service under Article 31, paragraph (3) or the examination services.
- (4) The entrusting prefectural governor may demand a report on the status of the examination services from the relevant designated examining body when the governor finds it necessary to do so to secure the proper implementation of the examination services.

(Unscheduled On-site Inspections)

- Article 62 (1) The Minister of Economy, Trade and Industry or the prefectural governor may send their employee to enter any office, business office, manufacturing plant, workplace, storage facility of high pressure gas or containers, or container inspection station of any high pressure gas producer, owner or possessor of a Class 1 or Class 2 storage facility, dealer, person storing or consuming high pressure gas, importer of high pressure gas, LPG dealer under Article 6 of the LPG Act, person manufacturing containers, importer of containers, or person with a registered container inspection station, and have the personnel inspect the books, records and other necessary articles, question the persons concerned or sample the smallest quantity of high pressure gas required for examination when the minister finds it necessary to do so for the maintenance of public safety or the prevention of disasters.
- (2) The Minister of Economy, Trade and Industry may send their employee to enter any office or place of business of a designated completion inspection body, designated import inspection body, designated safety inspection body, designated container inspection body, designated specified equipment inspection body, designated equipment accreditation body, or investigation body for inspection organizations, etc., and have the employee inspect the state of business, books, records, and other necessary articles or question the persons concerned when the Minister finds it necessary to do so for the maintenance of public safety or the prevention of disasters.
 - (3) The Minister of Economy, Trade and Industry may send their employee to enter any office of a designated training body or designated examining body and have the employee inspect the state of business, books, records, and other necessary articles or question the persons concerned when the Minister finds it necessary to do so to secure the proper implementation of the training service under Article 31, paragraph (3) or the examination services.
 - (4) The entrusting prefectural governor may send their employee to enter any office of the relevant designated examining body and have the employee inspect the state of business, books, records, and other necessary articles or question

the persons concerned when the governor finds it necessary to do so to secure the proper implementation of the examination services.

- (5) When a police officer may enter the manufacturing plant , sales office or consumption locations of high pressure gas or a Class 1 or Class 2 storage facility, or other storage facility of high pressure gas and question the persons concerned when they find it particularly necessary to do so to prevent the loss of human lives, the damages to human bodies, or properties.
- (6) The employee or police officer referred to in the preceding paragraphs must carry proper identification and show it to the persons concerned.
- (7) The authority for on-site inspection, questioning, and sampling under paragraphs (1) through (5) must not be construed as being approved for criminal investigation.

(Accident Reports)

Article 63 (1) In the following cases, a Class 1 producer, Class 2 producer, sales distributor, LPG distributor under Article 6 of the LPG Act, a person storing or consuming high pressure gas, container manufacturer, importer of containers, or any other person that handles high pressure gas or containers must notify the prefectural governor or a police officer without delay:

- (i) when a disaster has taken place with respect to the high pressure gas they own or possess; or
 - (ii) when the high pressure gas or any container they own or in their possession has been lost or stolen.
- (2) In the event of item (i) of the preceding paragraph, the Minister of Economy, Trade and Industry or the prefectural governor may order the owner or possessor of the high pressure gas to report the date and time, the location, and the cause of the accident, the type and quantity of the high pressure gas, the extent of the loss or damage, and any other necessary matters.

(Prohibition of Changing Existing Conditions)

Article 64 When a disaster due to high pressure gas has taken place, no person is allowed to change the existing conditions without instructions from the Minister of Economy, Trade and Industry, the prefectural governor, or a police officer, except for ensuring the continued flow of traffic or other cases unavoidable to protect the public interest; provided however, that this does not apply when measures are taken under the provisions of Article 36, paragraph (1) of this Act or Article 27, paragraph (1), item (iv) of the LPG Act.

(Conditions of License)

Article 65 (1) Conditions may be imposed on the license under Article 5, paragraph (1), Article 14, paragraph (1), Article 16, paragraph (1), or Article 19,

paragraph (1), or the approval under Article 49-21, paragraph (1) or Article 49-33, paragraph (1).

- (2) The conditions stated in the preceding paragraph must be restricted to the essential minimum for maintaining the public safety or the prevention of disasters and those which are not to impose undue duties on the applicant receiving a license or approval.

Article 66 Deleted

Article 67 Deleted

Article 68 Deleted

Article 69 Deleted

Article 70 Deleted

Article 71 Deleted

Article 72 Deleted

(Fees)

Article 73 (1) A person listed below (limited to the person that intends to go through a procedural process with the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department or the Institute or a designated examining body to which the Minister or a head of the Industrial Safety and Inspection Department has designated their examination procedure) must pay the corresponding fees in the amount specified by Cabinet Order taking into consideration of the actual cost; provided, however, that this does not apply if the person is a prefecture.

- (i) an applicant for accreditation or renewal under Article 20, paragraph (3), item (ii);
- (ii) an applicant for the production safety management examination;
- (iii) an applicant for the issuance of a production safety management certificate;
- (iv) an applicant for the reissuance of a production safety management certificate;
- (v) an applicant for accreditation under Article 35, paragraph (1), item (ii) or its renewal;
- (vi) an applicant for accreditation under Article 39-13 or its renewal;
- (vii) an applicant for container inspection or container re-inspection;

- (viii) an applicant for registration under Article 49-5, paragraph (1) or Article 49-31, paragraph (1) or its renewal;
 - (ix) an applicant for the reissuance of a registration certificate under Article 49-15 (including the cases as applied mutatis mutandis pursuant to Article 49-31, paragraph (2));
 - (x) an applicant for the issuance of an authenticated copy of the register of manufacturers of containers, etc., register of foreign manufacturers of containers, etc., register of manufacturers of specified equipment, or register of foreign specified equipment manufacturers (collectively referred to below as "register of manufacturers of containers, etc. or any other register" in this Article);
 - (xi) an applicant for the perusal of the register of manufacturers of containers, etc. or any other register;
 - (xii) an applicant for approval under Article 49-21, paragraph (1) or Article 49-33, paragraph (1);
 - (xiii) an applicant for registration of a container inspection station or its renewal;
 - (xiv) an applicant for receiving a seal, etc., as provided for in Article 54, paragraph (2);
 - (xv) an applicant for receiving accessory inspection or accessory re-inspection;
 - (xvi) an applicant for receiving designated equipment inspection;
 - (xvii)-2 an applicant for registration under Article 56-6-2, paragraph (1) or Article 56-6-22, paragraph (1) or its renewal;
 - (xviii) an applicant for the reissuance of a registration certificate under Article 56-6-12 (including the cases as applied mutatis mutandis pursuant to Article 56-6-22, paragraph (2));
 - (xix) an applicant for the issuance of a specified equipment standards conformity certificate;
 - (xx) an applicant for accreditation of specified equipment; or
 - (xxi) an applicant for reissuance of a designated equipment inspection certificate, specified equipment standards conformity certificate or a specified equipment accreditation certificate.
- (2) The fees referred to in the preceding paragraph is considered as income of the national treasury for fees payable by those applying for accreditation under Article 20, paragraph (3), item (ii), Article 35, paragraph (1), item (ii) or Article 39-13 or its renewal, those applying for a production safety management examination conducted by the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department, those applying for the issuance or reissuance of a production safety management certificate by the Minister of Economy, Trade and Industry or the a head of the Industrial Safety and Inspection Department, those applying for container inspection, container

re-inspection, accessory inspection, accessory re-inspection, designated equipment inspection, accreditation of specified equipment, registration of a container re-inspection station or registration under Article 49-5, paragraph (1), Article 49-31, Article 56-6-2, paragraph (1), or Article 56-6-22, paragraph (1) or its renewal, those applying for the reissuance of a registration certificate under Article 49-15 (including the cases as applied mutatis mutandis pursuant to Article 49-31, paragraph (2)) or Article 56-6-12 (including the cases as applied mutatis mutandis pursuant to Article 56-6-22, paragraph (2)), those applying for the issuance of an authenticated copy of or to peruse the register of manufacturers of containers, etc. or any other register to the Minister of Economy, Trade and Industry or a head of the Industrial Safety and Inspection Department or those applying for approval under Article 49-21, paragraph (1), or Article 49-33, paragraph (1), those applying for the reissuance of a specified equipment inspection certificate or a designated equipment accreditation certificate or those applying for the issue or reissuance of a designated equipment standards conformity certificate and those applying for the stamping or marking plate to be conducted by the Minister of Economy, Trade and Industry or the a head of the Industrial Safety and Inspection Department under the provisions of Article 54, paragraph (2); the Institute for fees payable by those applying for the production safety management examination of which the examination services is wholly conducted by the Institute; a designated examining body for fees payable by those applying for the production safety management examination of which the examination services are wholly conducted by the designated examining body.

Article 73-2 When collecting fees payable for the production safety manager examination or sales chief examination in accordance with the provisions of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), prefectures may have applicants for the production safety manager examination or sales chief examination to be conducted by the Institute or a designated examining body pursuant to the provisions of Article 31-2, paragraph (1) pay the fees to the Institute or the designated examining body as prescribed by Prefectural Ordinance and the Institute or the body may receive the fees paid as their income.

(Relation between Prefectural Governor and Public Safety Commission)

Article 74 (1) Upon granting a license under Article 5, paragraph (1) or Article 16, paragraph (1), receiving a notification report under Article 5, paragraph (2), Article 17-2, paragraph (1), Article 20-4, Article 21, Article 24-2, paragraph (1) or Article 24-4, paragraph (2), or revoking a license under the provisions of Article 38, paragraph (1) in accordance with the provisions of Cabinet Order,

the prefectural governor must notify the prefectural public safety commission, the municipal fire department chief (or the head of the municipality if there is no fire department headquarters) or the Commander of the Regional Coast Guard Headquarters to that effect.

- (2) Upon receiving a notification report under Article 36, paragraph (2) or Article 63, paragraph (1), a police officer must promptly notify the relevant prefectural governor of the notification report.
- (3) Upon receiving a notification report under Article 36, paragraph (2), the firefighter or the fire department volunteer, or the coast guard officer must promptly notify the relevant prefectural governor of the notification report.
- (4) Upon receiving a notification report under the provisions of Article 36, paragraph (2) or Article 63, paragraph (1) or upon receiving notification under the preceding two paragraphs, the prefectural governor must report the receipt of the report or notification to the Minister of Economy, Trade and Industry as specified by Order of the Ministry of Economy, Trade and Industry.

(Public Notices)

Article 74-2 (1) The Minister of Economy, Trade and Industry must publish any of the following cases in the official gazette:

- (i) when the Minister has approved designation under the proviso of Article 20, paragraph (1), Article 22, paragraph (1), Article 31, paragraph (3), Article 31-2, paragraph (1), the proviso of Article 35, paragraph (1), Article 39-7, paragraph (1) or paragraph (3) the proviso of Article 39-14, paragraph (2), Article 44, paragraph (1), Article 49-8, paragraph (1), Article 56-3, paragraph (1), Article 56-6-5, paragraph (1) or Article 56-7, paragraph (1);
- (i)-2 when the Minister has given accreditation under Article 20, paragraph (3), item (ii), Article 35, paragraph (1), item (ii) or Article 39-13;
- (i)-3 when the Minister has revoked accreditation under the provisions of Article 39-12, paragraph (1) or Article 39-20, paragraph (1) or when the Minister has confirmed that the accreditation has ceased to be effective under the provisions of Article 39-12, paragraph (2) or paragraph (3) or Article 39-20, paragraph (2);
- (ii) when the Minister has entrusted the examination services to the Institute or a designated examining body under the provisions of Article 31-2, paragraph (1);
- (ii)-2 when the Minister has given approval under the provisions of Article 49-21, paragraph (1) or Article 49-33, paragraph (1);
- (ii)-3 when the Minister has confirmed that the approval has ceased to be effective under the provisions of Article 49-28 (including the cases as applied *mutatis mutandis* pursuant to Article 49-33, paragraph (2)) or when the Minister has revoked the approval under the provisions of Article 49-29 or

- Article 49-34;
- (iii) when the Minister has received a notification report under Article 58-6, paragraph (1) or Article 58-22 (including the cases as applied *mutatis mutandis* pursuant to Article 58-30-2, paragraph (2), Article 58-30-3, paragraph (2), Article 58-31, paragraph (2), Article 58-32, paragraph (2), Article 58-33, paragraph (2) and Article 59);
 - (iv) when the Minister has given a license under Article 58-8, paragraph (1);
 - (v) when the Minister has revoked a designation or ordered a suspension in whole or in part of the examination services or completion inspection, import inspection, safety inspection, investigation of inspection organizations, etc., container inspection, etc., specified equipment inspection, or accreditation of designated equipment under the provisions of Article 58-15, paragraph (1) or (2) or Article 58-30 (including the cases as applied *mutatis mutandis* pursuant to Article 58-30-2, paragraph (2), Article 58-30-3, paragraph (2), Article 58-31, paragraph (2), Article 58-32, paragraph (2), Article 58-33, paragraph (2) and Article 59);
 - (v)-2 when the Minister has received a notification report under the provisions of Article 58-24 (including the cases as applied *mutatis mutandis* pursuant to Article 58-30-2, paragraph (2), Article 58-30-3, paragraph (2), Article 58-31, paragraph (2), Article 58-32, paragraph (2), Article 58-33, paragraph (2), and Article 59); or
 - (vi) when the Minister has decided to directly conduct all or a part of the examination services under the provisions of Article 58-16, paragraph (1) or not to conduct all or a part of the examination services which has directly conducted themselves under the provisions of the paragraph.
- (2) The prefectural governor must notify the public the following cases:
- (i) When the Minister has entrusted the examination services to the Institute or a designated examining body under the provisions of Article 31-2, paragraph (1);
 - (ii) When the Minister has decided not to entrust the examination services to the Institute or a designated examining body which they had initially decided to entrust under the provisions of Article 31-2, paragraph (1);
 - (iii) when the Minister has received a notification report under Article 58-6, paragraph (2); or
 - (iv) when the Minister has decided to directly conduct all or a part of the examination services under the provisions of Article 58-16, paragraph (1) or not to conduct all or a part of the examination services which had directly conducted themselves under the provisions of the paragraph.

(Hearings of Opinions of the Institute)

Article 75 The Minister of Economy, Trade and Industry must seek the opinions

of the Institute when instituting or abolishing any Order of the Ministry of Economy, Trade and Industry referred to Article 8, item (i) or (ii), Article 12, paragraph (1) or (2), Article 13, Article 15, paragraph (1), Article 16, paragraph (2), Article 22, paragraph (1) (except item (iii) or (iv)), Article 23, Article 24, Article 24-3, paragraph (1) or (2), Article 24-5, Article 25, Article 41, paragraph (1), Article 44, paragraph (4), Article 48, paragraph (1), item (iv), Article 49, paragraph (2), Article 49-2, paragraph (4), Article 49-4, paragraph (2), Article 50, paragraph (3), Article 56-3, paragraph (4), Article 56-7, paragraph (2) or Article 57.

(Special Rules for Hearings)

- Article 76 (1) When intending to issue an order under the provisions of Article 38, Article 53 or Article 58-30 (including the cases as applied *mutatis mutandis* pursuant to Article 58-30-2, paragraph (2), Article 58-30-3, paragraph (2), Article 58-31, paragraph (2), Article 58-32, paragraph (2), Article 58-33, paragraph (2) and Article 59), an administrative agency must hold a hearing regardless of the different cases stated in the sub-items for the statement of opinions provided for in the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (2) For cases stated under Article 9, Article 30, Article 34, Article 38, Article 52, paragraph (4), Article 53, Article 58-11 (including the cases as applied *mutatis mutandis* pursuant to Article 58-12, paragraph (4)), Article 58-15, paragraph (1) or (2) , Article 58-27 (including the cases as applied *mutatis mutandis* pursuant to Article 58-30-2, paragraph (2), Article 58-30-3, paragraph (2), Article 58-31, paragraph (2), Article 58-32, paragraph (2), Article 58-33, paragraph (2), and Article 59) or Article 58-30 (including the cases as applied *mutatis mutandis* pursuant to Article 58-30-2, paragraph (2), Article 58-30-3, paragraph (2), Article 58-31, paragraph (2), Article 58-32, paragraph (2), Article 58-33, paragraph (2), and Article 59), the inquiry made on the date of the hearing must be open to the public.
- (3) The person that presides the hearing stated in the preceding paragraph must permit the interested party that is involved in the case under the provisions of Article 17, paragraph (1) of the Administrative Procedure Act, when the party expresses the willingness to participate in the procedure of a hearing.

(Requests for Administrative Review over Dispositions Taken by the Institute)

- Article 77 A person that has a complaint about the dispositions made or inaction under this Act or any order based on the Act by the Institute, a designated examining body, designated container inspection body, or a person with a registered container inspection station, designated specified equipment inspection body, or designated equipment accreditation body may make a

request to the Minister of Economy, Trade and Industry for administrative review. In this case, the Minister of Economy, Trade and Industry is deemed to be the higher administrative authority over the Institute, designated examining body, designated container inspection body, person with a registered container inspection station, designated specified equipment inspection body, or designated equipment accreditation body with regard to the application of the provisions of Article 25, paragraph (2) and paragraph (3), Article 46, paragraphs (1) and (2), and Article 49, paragraph (3) of the Administrative Complaint Review Act (Act No. 68 of 2014).

(Hearings as Part of Request for Review Procedure)

- Article 78 (1) The determination in response to a request for review, excluding the dismissal of a request for review pursuant to the provisions of Article 24 of the Administrative Appeal Act, in respect to any disposition made or inaction under this Act or any order based on the Act (except for disposition made concerning the result of container inspection or re-inspection, accessory inspection or re-inspection, specified equipment inspection or accreditation of designated equipment) must be given to the person requesting the review after an open hearing to be held by a review officer specified in the provisions of Article 11, paragraph (2) of the Administrative Appeal Act, upon prior notice allowing the person a reasonable period of time.
- (2) At the hearing under the preceding paragraph, the person requesting a review and the concerned parties must be given an opportunity to show evidence and state their opinion.
- (3) The provisions of Article 31 of the Administrative Appeal Act do not apply to a request for review specified in paragraph (1), and the provisions of Article 31, paragraph (2) through paragraph (5) apply mutatis mutandis to the open hearing specified in the paragraph.

(Restriction on Requests for Review)

- Article 78-2 A request for review may not be made for a disposition made under Article 39.

(Transitional Measures)

- Article 78-3 Based on the provisions of this Act, when instituting an order, or revising or abolishing an order, necessary transitional measures (including transitional measures for penal provisions), to the extent deemed reasonably necessary corresponding to the amendment or abolishment, may be established. .

(Duties Performed by Prefectures or Designated Cities)

Article 78-4 A part of the duties under the authority of the Minister of Economy, Trade and Industry specified by Cabinet Order, a prefectural governor or mayor of a designated city (designated cities specified in Article 252-19, paragraph (1) of the Local Autonomy Act; the same applies in Article 79-2 and Article 79-3) may be delegated to perform.

(Delegation of Authority)

Article 79 The authority vested in the Minister of Economy, Trade and Industry under this Act or any order based on this Act may be delegated to a head of the Industrial Safety and Inspection Department or other administrative agency pursuant to the provisions of Cabinet Order.

(Instructions by the Minister of Economy, Trade and Industry)

Article 79-2 The Minister of Economy, Trade and Industry may give necessary instructions to a prefectural governor or the mayor of a designated city in relation to the duties they are to perform under this Act or pursuant to the provisions of Cabinet Order as prescribed by Article 78-4, when the Minister finds it urgently necessary to do so for the maintenance of public safety or the prevention of disasters.

(Special Provisions for Large Cities)

Article 79-3 Services to be performed by prefectural governors (excluding services specified by Cabinet Order as being more appropriate to be handled by a prefectural governor in an integrated manner throughout the territory of the prefecture rather than by the mayor of a designated city from the viewpoint of maintaining public safety or the prevention of disasters) pursuant to the provisions of Chapter II and Chapter III (excluding Article 29, paragraph (3), Article 29-2, paragraph (1), Article 30, Article 31, paragraph (2), and Article 31-2, paragraph (1) and paragraph (3)), Article 39-11, paragraph (1), Article 39-21, Article 39-23, Article 49-30 (including the cases as applied mutatis mutandis pursuant to Article 49-33, paragraph (2)), Article 49-35, Article 56-4, paragraph (3) (including the cases as applied mutatis mutandis pursuant to Article 56-6-14, paragraph (4) and Article 56-8, paragraph (3)), Article 61, paragraph (1), Article 62, paragraph (1), Article 63, Article 64, Article 65, paragraph (1), and Article 74 are to be performed by the mayor of a designated city. In this case, the provisions relating to prefectural governors with respect to the services specified in the first sentence of this Act are to apply to the mayors of designated cities as if they were provisions concerning the mayors of designated cities.

Chapter VI Penal Provisions

Article 80 Violation by a person of any of the following is punishable by imprisonment of less than one year or a fine of 1,000,000 yen or less, or both:

- (i) when a person has produced high pressure gas without obtaining a license required under Article 5, paragraph (1);
- (ii) when a person has violated an order to suspend production under Article 38, paragraph (1);
- (iii) when a person has violated an order to suspend the use of production facility under Article 39, item (i) or the prohibition or restriction of production under Article 39, item (ii);
- (iii)-2 when a person has violated an order under Article 49-30 or Article 49-35;

or

- (iv) when a person has violated an order under Article 53.

Article 80-2 If a violation by a designated completion inspection body, designated import inspection body, designated safety inspection body, designated container inspection body, designated specified equipment inspection body, designated equipment accreditation body, or investigation body for inspection organizations, etc., an officer or employee who has committed the violation is punished by imprisonment with work for less than one year or a fine of 1,000,000 yen or less, or both.

Article 80-3 A person who falls under any of the following items is punishable by imprisonment for one year or less, or a fine of 1,000,000 yen or less:

- (i) a person who has leaked any confidential matters gained through the administrative work of issuing certificates, in violation of the provisions of Article 29-2, paragraph (2); or
- (ii) a person who has leaked any confidential information gained through the examination services, in violation of the provisions of Article 58-13, paragraph (1).

Article 80-4 The officer or employee who commits violation is punishable by imprisonment for one year or less, or a fine of 1,000,000 yen or less, if they violated an order to suspend the examination services under Article 58-15, paragraph (2).

Article 80-5 A person who has disclosed or misappropriated any confidential information acquired in relation to their duties in violation of the provisions of Article 59-26 is punishable by imprisonment of one year or less, or a fine of 1,000,000 yen or less.

Article 81 In the event of any of the following violations, the person that committed the violation is punishable by imprisonment for 6 months or less, or a fine of 500,000 yen or less, or both:

- (i) deleted
- (ii) when a person has performed construction work to change the location, structure, or equipment of a manufacturing plant or has changed the type or the method of production of high pressure gas without the license required under Article 14, paragraph (1);
- (iii) when a person has violated any provisions of Article 16, paragraph (1), or Article 20, paragraph (1) or (3), Article 27-2, paragraph (1), (3) or (4), Article 27-3, paragraph (1) or (2), Article 27-4, paragraph (1), Article 28, paragraph (1), Article 33, paragraph (1), Article 48, paragraphs (1) through (4), Article 51, paragraph (1), or Article 52, paragraph (1);
- (iv) when a person has performed construction work to change the location, structure, or equipment of a high pressure gas storage facility without the license required under Article 19, paragraph (1);
- (iv)-2 when a person has violated an order under Article 22, paragraph (3);
- (v) deleted
- (vi) when a person has violated an order to suspend storage under Article 38, paragraph (1) or an order to suspend production, storage, sales or consumption under Article 38, paragraph (2);
- (vii) when a person has violated an order under Article 39, item (i) to suspend the use of a Class 1 or Class 2 storage facility, sales locations or facilities for consuming specific high pressure gas or has violated prohibition or restriction under Article 39, item (ii) as to delivery, storage, transportation, consumption, or disposal or a person that has violated an order under Article 39, item (iii);
- (viii) when a person has failed to mark as required under any provisions of Article 46, paragraph (1) or (2), Article 47, paragraph (1), paragraph (3) of Article 54 paragraph (3), or Article 56-5, paragraph (1) (including the cases as applied mutatis mutandis pursuant to Article 56-6-15, paragraph (1) and Article 56-9, paragraph (1)) or has stamped or marked wrongfully;
- (ix) when a person with a registered container re-inspection station has failed to stamp or attach a marking plate as required under the provisions of Article 49, paragraph (3) or (4) or Article 49-4, paragraph (3), or has had a container re-inspection station registered with wrongful sealing or attaching a marking plate;
- (x) when a person has conducted the re-inspection of containers or accessories in violation of the restriction under Article 50, paragraph (4) or when a person has conducted the inspection of designated equipment in violation of the restriction under Article 56-6-4, paragraph (2); or

- (xi) when a person has violated the condition of a license referred to in Article 65.

Article 82 In the event of any of the following violations, the person that committed the violation is punishable by a fine of 500,000 yen or less:

- (i) when a person has violated any provisions of Article 11, paragraph (1) or (2), Article 15, paragraph (1), Article 18, paragraph (1) or (2), Article 20-6, paragraph (1), Article 22, paragraph (1), Article 28, paragraph (2), Article 37, Article 44, paragraph (1), Article 45, paragraph (3), Article 46, paragraph (3) or paragraph (2) of Article 47 paragraph (2), Article 49, paragraph (5), Article 49-2, paragraph (1), Article 49-3, paragraph (2), Article 49-4, paragraph (4), Article 51, paragraph (2), Article 56-4, paragraph (2) (including the cases as applied mutatis mutandis pursuant to paragraph (4) of Article 56-6-14 and Article 56-8, paragraph (3)), or Article 56-5, paragraph (2) (including the cases as applied mutatis mutandis pursuant to Article 56-9, paragraph (1));
- (ii) deleted;
- (iii) when a person has failed to take the inspection as required under the provisions of Article 56-3, paragraph (1) or (2);
- (iii)-2 when a person has produced high pressure gas without drawing up own hazard prevention code referred to in Article 26, paragraph (1);
- (iv) when a person has violated an order under Article 41, paragraph (2); or
- (v) when a person has violated prohibition under Article 49-26.

Article 83 In the event of any of the following violations, the person that committed the violation is punishable by a fine of 300,000 yen or less:

- (i) when a person has failed to submit a notification report as required under any provisions of Article 10, paragraph (2), Article 14, paragraph (2), Article 17, paragraph (2), Article 19, paragraph (2), Article 20-7, Article 21, Article 24-4, Article 26, paragraph (1), Article 27-2, paragraph (5) (including the cases as applied mutatis mutandis pursuant to Article 27-4, paragraph (2), Article 28, paragraph (3), and Article 33, paragraph (3)), Article 27-2, paragraph (6) (including the cases as applied mutatis mutandis pursuant to Article 27-3, paragraph (3)), Article 39-9, paragraph (1) or (2), Article 39-18, Article 39-19, paragraph (2), Article 39-21, paragraph (1), Article 49-12, Article 49-14, Article 52, paragraph (2), Article 56-2, Article 56-6-9, Article 56-6-11, Article 63, paragraph (1) or has submitted a wrongful notification report;
- (ii) when a person has violated any provisions of Article 12, paragraph (1) or (2), Article 13, Article 23, Article 24, Article 24-3, paragraph (1) or (2), Article 24-5, Article 25, Article 36, paragraph (1), Article 56, paragraph (3)

- (including the cases as applied mutatis mutandis pursuant to Article 56, paragraph (4) (including the cases as applied mutatis mutandis pursuant to Article 56, paragraph (5)), Article 56-6 (including the cases as applied mutatis mutandis pursuant to Article 56-6-15, paragraph (2) and Article 56-9, paragraph (2)), Article 57 or Article 64;
- (ii)-2 when a person has started the production business provided for in item (i) of paragraph (2) or the production provided for in item (ii) of paragraph (2) without submitting a notification report under the provisions of Article 5, paragraph (2), or has submitted a wrongful notification report;
 - (ii)-3 when a person has performed construction work to change the location, structure, or equipment of the production facility or has changed the type of high pressure gas for production or the production method without submitting a notification report under the provisions of Article 14, paragraph (4) or has submitted a wrongful notification report;
 - (ii)-4 when a person has stored high pressure gas without submitting a notification report under the provisions of Article 17-2, paragraph (1) or has submitted a wrongful notification report;
 - (ii)-5 when a person has performed construction work to change the location, structure or equipment of a Class 2 storage facility without submitting a notification report under the provisions of Article 19, paragraph (4) or has submitted a wrongful notification report;
 - (ii)-6 when a person has sold high pressure gas without submitting a notification report under Article 20-4 or has submitted a wrongful notification report; o
 - (ii)-7 when a person has consumed specified high pressure gas without submitting a notification report under Article 24-2, paragraph (1) or has submitted a wrongful notification report;
 - (iii) when a person has violated an order under the provisions of Article 30 or Article 56, paragraph (1), (including the cases as applied mutatis mutandis pursuant to Article 56, paragraphs (4) and (5));
 - (iv) when a person has refused, obstructed, or evaded inspection or sampling as required under Article 35, paragraph (1) or Article 62, paragraph (1);
 - (iv)-2 when a person has failed to produce or keep inspection records as required under the provisions of Article 35-2, Article 39-22, paragraph (2), or Article 39-27, paragraph (1) or has made a wrongful record under the provisions;
 - (iv)-2-2 when a person has failed to prepare inspection record, prepared wrongful inspection record, failed to store inspection record, or refused to submit inspection record in violation of the provisions of Article 39-10, paragraph (2) (including the cases as applied mutatis mutandis pursuant to Article 39, paragraph (3));

- (iv)-2-3 when a person has failed to prepare inspection records, prepared wrongful inspection records or failed to store inspection records in violation of the provisions of Article 39-21, paragraph (2) or paragraph (3), Article 39-24, paragraph (2), Article 39-25, paragraph (2), or Article 39-26;
- (iv)-2-4 when a person that has failed to store the hazard prevention rules or refused to submit the hazard prevention rules in violation of the provisions of Article 39-23;
- (iv)-3 when a person has submitted a wrongful notification report without cause to the prefectural governor, police official or fire officer, member of a fire-fighting team or maritime safety officer in respect to the occurrence of a situation as described in Article 36, paragraph (1);
- (iv)-4 when a person has failed to return the registration certificate without reasonable grounds in violation of the provisions of Article 49-19;
- (iv)-5 when a person has failed to carry out an inspection or prepare inspection records, prepared wrongful inspection records or failed to store inspection records in violation of the provisions of Article 56-6-13, paragraph(2);
- (iv)-6 when a person has failed to return a registration certificate without reasonable grounds in violation of the provisions of Article 56-6-20;
- (v) when a person has failed to keep books as required under the provisions of Article 60, paragraph (1) or has made a wrongful description or has failed to keep books;
- (vi) when a person has failed to report as required under the provisions of Article 61, paragraph (1), or Article 63, paragraph (2) or has made a wrongful report; or
- (vii) when a person has failed to answer questions under the provisions of Article 62, paragraph (1) or (5), or has made a wrongful answer.

Article 83-2 In violations as listed in any of the following items, an officer or employee of a designated training body, designated examining body, designated completion inspection body, designated import inspection body, designated safety inspection body, designated container inspection body, designated specified equipment inspection body, designated equipment accreditation body, or investigation body for inspection organizations, etc., that has committed the violation is punishable by a fine of 300,000 yen or less:

- (i) when they have discontinued the entire examination services without obtaining a permission under Article 58-8, paragraph (1);
- (i)-2 when they have failed to submit a notification report as required under the provisions of Article 58-24 (including the cases as applied mutatis mutandis pursuant to Article 58-30-2, paragraph (2), Article 58-30-3, paragraph (2), Article 58-31, paragraph (2), Article 58-32, paragraph (2), Article 58-33, paragraph (2), and Article 59) or have submitted a false

- notification report;
- (ii) when they have failed to keep books as required under the provisions of Article 60, paragraph (2) or have made a false description or have failed to keep books;
 - (iii) when they have failed to report as required under Article 61, paragraphs (2) through (4), or have made a false report; or
 - (iv) when they have refused, obstructed, or evaded inspection as required under Article 62, paragraphs (2) through (4), or have failed to answer questions under the provisions of these paragraphs or made false answers.

Article 83-3 The officer or employee of the Institute who have failed to report as required under Article 59-35, paragraph (1), or made a false report, or have refused, obstructed, or evaded the inspection as required under the same paragraph is punishable by a fine of 300,000 yen or less.

(Dual Punishment)

Article 84 In any violation under Article 80 or Articles 81 through 83 by a representative of a juridical person or by an agent, employee or other worker of a corporation or individual in relation to the business of the corporation or individual, the corporation or individual is punished by a fine under this Article as well as the performer (actual offender) is punished by a fine.

Article 85 If any of the following events apply, an officer or employee of the Institute who has committed the violation are punishable by a civil fine of 200,000 yen or less:

- (i) failure to obtain the authorization or approval of the Minister of Economy, Trade and Industry as required under the provisions of this Act;
- (ii) failure to register in violation of Cabinet Order as required under the provisions of Article 59-6, paragraph (1);
- (iii) performance of any business other than the business as provided for in Article 59-28, paragraphs (1) and (3);
- (iv) violation of an order of the Minister of Economy, Trade and Industry under Article 59-29, paragraph (3), Article 59-30, paragraph (4) (including the cases as applied mutatis mutandis pursuant to Article 59-30-2, paragraph (3)) or Article 59-34, paragraph (2); or
- (v) failure to submit the financial statements in violation of the provisions under Article 59-33, paragraph (1), or submit with a false entry.

Article 86 a person that falls under any of the following items is punishable by a non-penal fine of 100,000 yen or less:

- (i) a person that has failed to submit a notification report under Article 10-2,

- paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 24-2, paragraph (2)) or paragraph (2) of Article 20-4-2, paragraphs (2), or has submitted a false notification report;
- (ii) a person using the name "High Pressure Gas Safety Institute of Japan" in violation of the provisions of Article 59-7.