

Regulation for Enforcement of the Plant Protection Act

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

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

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

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Chapter II Inspection of Imported Plants

(Quarantine Pests)

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

(Plants Not Required to Be Accompanied by Phytosanitary Certificates)

Article 4 The plants specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those not used for cultivation and having low likelihood of being infested with quarantine pests referred to in Article 6, paragraph (1) of the Act are as follows; provided, however, that this does not apply to plants used for fertilizer, animal feed, or other production materials in the agriculture or forestry industries, nor does it apply to plants specified in the "plants" field of items (14) and (15) of Annexed Table 2:

- (i) plants that have been dried and compressed;
- (ii) plants that have been dried and chopped (excluding Senna (*Cassia acutifolia*) stems, Orange (*Citrus sinensis*), fruit and peel, and Cassava (*Manihot esculenta*) root);
- (iii) plants that have been dried and crushed or smashed (excluding Orange and Tamarind (*Tamarindus indica*) fruit and Cassava root);
- (iv) plants that have been dried but not compressed, chopped, crushed, or smashed; provided, however, that this excludes wood and the following parts of each of the following plants:
 - (a) Stone pine (*Pinus pinea*): leaves, branches and bark;
 - (b) Eucalyptus stuartiana: leaves, branches, flowers, and fruit;
 - (c) Eucalyptus viminalis: leaves, branches, flowers, and fruit;
 - (d) Wild sesame (*Perilla ocymoides*): seeds;
 - (e) Cacao (*Theobroma cacao*): seeds;
 - (f) Chestnut (*Castanea crenata*): seeds in their shells;
 - (g) Bubinga (*Guibourtia pellegriniana*): bark;
 - (h) Coriander (*Coriandrum sativum*): leaves and seeds;
 - (i) Peruvian pepper (*Schinus molle*): leaves, branches, flowers, and fruit;
 - (j) Sesame (*Sesamum indicum*): seeds;
 - (k) Pomegranate (*Punica granatum*): fruit;
 - (l) Sugar pine (*Pinus lambertiana*): leaves, branches, and bark;
 - (m) Japanese cedar (*Cryptomeria japonica*): fruit;
 - (n) Rapeseed (*Brassica napus* ssp. *oleifera*): seeds;
 - (o) Senna (*Cassia acutifolia*): leaves;
 - (p) Tamarind (*Tamarindus indica*): fruit;
 - (q) Chinese chestnut (*Castanea mollissima*): seeds in their shells;

- (r) Barbados nut (*Jatropha curcas*): seeds;
 - (s) Black caraway (*Nigella sativa*): seeds;
 - (t) Java grass (*Cyperus rotundus*): leaves and stems;
 - (u) *Pinus maritima*: leaves, branches, and bark;
 - (v) Caraway (*Carum carvi*): seeds;
 - (w) Brazil nut (*Bertholletia excelsa*): seeds in their shells;
 - (x) Safflower (*Carthamus tinctorius*): flowers and seeds;
 - (y) Basil (*Ocimum basilicum*): leaves and seeds;
 - (z) Country almond (*Terminalia catappa*): leaves, branches, and flowers;
 - (aa) Common juniper (*Juniperus communis*): fruit;
 - (bb) Common beech (*Fagus sylvatica*): leaves, branches, and flowers;
 - (cc) Drumstick tree (*Moringa oleifera*): leaves and fruit;
 - (dd) Walnut (*Juglans*): nuts in their shells;
 - (ee) *Chenopodiaceae*: seeds;
 - (ff) *Gramineae*: seeds (excluding malt);
 - (gg) *Polygonaceae*: seeds;
 - (hh) *Amaranthaceae*: seeds; and
 - (ii) *Leguminosae*: seeds.
- (v) frozen plants (excluding Walnuts (nuts in their shells)).

(Designated Items Subject to Quarantine)

Article 5 The designated items specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those having a likelihood of being infested with quarantine pests referred to in Article 6, paragraph (1) of the Act are the following (limited to those that are pre-owned):

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

(Plants Requiring Inspection for Conformity to Standards)

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

- (2) The plants stated in the preceding paragraph which need to be inspected during the cultivation process are limited to those cultivated in a region as referred to in that paragraph.

(Designation of Place of Import)

Article 6 The ports and airports referred to in Article 6, paragraph (3) of the Act are the ports stated in item (i) and the airports stated in items (ii) and (iii); provided, however, that for airports stated in item (iii) this applies only if a person imports the plants or designated items subject to quarantine by carrying them:

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

Ishigaki Airport.

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

Article 6-2 The "special purposes" referred to in the proviso to Article 7, paragraph (1) of the Act are:

- (i) displaying or storing the item as a specimen in a museum, botanical garden, or other public facility;
- (ii) using the item as evidence in a criminal investigation;
- (iii) providing the item for use in propagating melon flies in order to produce melon flies that have been rendered infertile, with the objective of melon fly pest control;
- (iv) using the item for inspections under the provisions of Article 4, paragraph (1) of the Act, Article 8 of the Act, and Article 10 of the Act;
- (v) using the item for surveys under the provisions of Article 16-7 of the Act; and
- (vi) using the item for reporting under the provisions of Article 16-8 of the Act.

(Applying for Permission to Import Import-Prohibited Items)

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

(2) When the Minister of Agriculture, Forestry and Fisheries grants permission under the provisions of the proviso to Article 7, paragraph (1) of the Act, the Minister is to issue an import permission certificate (Form 3) and a written directive on permission to import import-prohibited items (Form 3-2) to the applicant.

(3) A person who has been issued an import permission certificate as referred to in the preceding paragraph must send it to the sender and have the sender send the import-prohibited items with its certificate attached to each package.

(4) When the Minister of Agriculture, Forestry and Fisheries orders the disposal of an item or other necessary measures pursuant to the provisions of Article 7, paragraph (6) of the Act, the Minister is to issue a written order to dispose of or take other measures for import-prohibited items (Form 3-3).

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

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

- (i) the ceilings, walls, and floors must be configured so that import-prohibited items will not be dispersed, and must be designed so that they will not easily be damaged by external shocks from things such as vibrations, things falling down, or things dropping on them;
- (ii) the necessary measures to prevent import-prohibited items from being dispersed must have been taken at entrances and openings, in keeping with the type of item;
- (iii) the facilities must have insecticidal and sterilizing equipment such as an autoclave, and must have other equipment necessary for the proper treatment of import-prohibited items;
- (iv) the facilities must have the necessary structure, equipment, and functions to prevent import-prohibited items from being dispersed, in keeping with the type of item; and
- (v) there must be a person in charge who has the knowledge and skills to manage import-prohibited items safely and appropriately.

(Conditions on Permission to Import Import-Prohibited Items)

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

- (i) that the items are to be imported care of a plant protection station, and conditions on the means of transporting or packing them;
 - (ii) conditions on import permission for the containers or packages of import-prohibited items that have been imported;
 - (iii) conditions on the place and term for managing import-prohibited items that have been imported and on other ways of managing them;
 - (iv) conditions on the person responsible for managing import-prohibited items that have been imported;
 - (v) conditions on restrictions or prohibitions on the transfer or other handling of the import-prohibited items; and
 - (vi) conditions on notices and measures to be taken if quarantine pests appear on the plants while they are under management.
- (2) The Minister of Agriculture, Forestry and Fisheries may change the conditions that have been set pursuant to Article 7, paragraph (5) of the Act if the Minister receives an application from a person who has obtained the permission referred to in the proviso to Article 7, paragraph (1) of the Act and the reason for that application is found to be reasonable and compelling. If the Minister makes that change, the Minister notifies the applicant of this through the plant protection station.

(Import-Prohibited Regions and Import-Prohibited Plants)

Article 9 The regions and plants specified by Order of the Ministry of

Agriculture, Forestry and Fisheries referred to in Article 7, paragraph (1), item (i) of the Act, are as follows:

- (i) regions and plants listed in Annexed Table 2;
- (ii) regions and plants listed in Annexed Table 2-2 (excluding those conforming to the standards stated in that table); and
- (iii) regions and plants listed in the Annexed Table 1-2 (limited to plants that need to be inspected during the cultivation process and that are not cultivated in the region listed in that table).

(Application for Import Inspection)

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

(Place and Date of Inspection)

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

(Transportation of Items Subject to Inspection)

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

(Place for Disposal)

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

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

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

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

(Growing Plants in Isolation)

Article 15 If a plant protection officer finds it necessary for plants to be grown in isolation as referred to in Article 8, paragraph (7) of the Act, the officer must suspend the receipt of the seeds and seedlings (or, in the case of postal items, receive the seeds and seedlings from a place where Japan Post Co., Ltd. does business) and notify the person who imported the seeds and seedlings (including the addressee of postal items; the same applies below) in writing (Form 5) of the following things, and must ask the person to answer, within a specified period, whether they will be able to grow the plants in isolation, and if so, where they will do this (the location and what it is like in the vicinity) and who will be responsible for managing it:

- (i) that the plant must be cultivated in an isolated piece of land or place for a fixed period of time;
- (ii) that until the completion of inspection by the plant protection officer, the seeds and seedlings (including their products; the same applies below in this Article and Article 17, paragraph (2)) must not be transferred outside the borders of the isolated piece of land or place;
- (iii) that if there is a quarantine pest or any abnormality in the seeds and seedlings during the post-entry quarantine period, the person is to notify the plant protection officer of this without delay; and
- (iv) that the person is to implement any measures the plant protection officer instructs them to implement.

Article 16 If a plant protection officer finds, based on the answer referred to in the preceding Article, that it is possible to issue an order to grow plants in isolation as referred to in Article 8, paragraph (7) of the Act, the officer must send the seeds and seedlings, accompanied by a written order to grow the plants in isolation (Form 6), to the person who imported them.

Article 17 (1) If a plant protection officer finds, based on the answer referred to in Article 15, that it is appropriate for the officer to grow the plants in isolation

by themselves as referred to in Article 8, paragraph (7) of the Act, the officer must send the seeds and seedlings to the plant protection station and notify the person who imported them.

- (2) Once seeds and seedlings for which isolated growing has been implemented have passed the inspection referred to in Article 9, paragraph (5) of the Act, the plant protection officer referred to in the preceding paragraph must send the seeds and seedlings to the person who imported them without delay.

(Disposal of Items for Plants Grown in Isolation)

Article 18 A plant protection officer is to dispose of seeds and seedlings if the person does not answer the notice referred to in Article 15, or if the person answers that they cannot grow the plants in isolation and the officer cannot grow the plants in isolation by themselves.

(Issuance of Certificates)

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

- (2) A certificate of import permission (Form 8) is to be stamped, attached, or issued for any import-prohibited item for which permission has been granted under the proviso to Article 7, paragraph (1) of the Act that does not violate the requirements of paragraph (5) of that Article, and for any seeds and seedlings sent to be grown in isolation pursuant to the provisions of Article 16.

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

(Implementing Disinfection or Disposal)

Article 20 A person who has been ordered to disinfect or dispose of something pursuant to the provisions of Article 4, paragraph (2) of the Act or Article 9, paragraph (1) or (2) of the Act must implement those measures in the presence of the plant protection officer.

(Notice After Disposal)

Article 21 (1) Pursuant to the provisions of Article 9, paragraphs (1) through (3)

of the Act, when a plant protection officer has disposed of plants, designated items subject to quarantine, import-prohibited items, and their containers or packages, or if these have been significantly damaged due to disinfection, the officer must notify the person who owns or manages them (or the addressee, if they are postal items) of this, and issue a certificate (Form 9) if the person requests one.

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

(Written Order for Disposal or Disinfection)

Article 22 A plant protection officer must issue a written order for disposal or disinfection (Form 11) if the officer has ordered a person to disinfect or dispose of something pursuant to the provisions of Article 9, paragraph (1) or (2) of the Act and the person with a duty to act requests one. The same applies when the officer has ordered a person to dispose of or disinfect something pursuant to the provisions of Article 4, paragraph (2) of the Act.

(Applying for Permission to Use Import-Prohibited Items)

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

- (2) When the Minister of Agriculture, Forestry and Fisheries grants the permission under the provisions of Article 9, paragraph (3), item (ii) of the Act, the Minister is to issue a written directive on permission to use import-prohibited items (Form 11-3) to the applicant.
- (3) The provisions of Article 7, paragraph (4) apply mutatis mutandis when the Minister of Agriculture, Forestry and Fisheries orders a person to dispose of something or take other necessary measures pursuant to the provisions of Article 7, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 9, paragraph (6) of the Act.

(Standards for Control Facilities When Import-Prohibited Items Are Being Used)

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

(Conditions on Permission to Use Import-Prohibited Items)

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

- (i) conditions on the means of transporting or packing the import-prohibited items that have been transferred;
 - (ii) conditions on the place and term for managing import-prohibited items that have been transferred and on other ways of managing them;
 - (iii) conditions on the person responsible for managing the import-prohibited items that have been transferred;
 - (iv) conditions involving restrictions or prohibitions on the transfer or other handling of the import-prohibited items; and
 - (v) conditions on notices and measures to be taken if quarantine pests appear on the plants while they are under management.
- (2) The Minister of Agriculture, Forestry and Fisheries may change the conditions that have been set pursuant to the provisions of Article 7, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 9, paragraph (6) of the Act following the deemed replacement of terms if the Minister receives an application from a person who has obtained the permission referred to in Article 9, paragraph (3), item (ii) of the Act and the reason for that application is found to be reasonable and compelling. If the Minister makes that change, the Minister notifies the applicant of this through the plant protection station.

Chapter III Inspection of Export Plants

(Applying for Export Inspection)

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

(Place of Inspection)

Article 24 The inspection referred to in Article 10, paragraph (1) of the Act is

carried out at the plant protection station; provided, however, that if a plant protection officer receives an application indicating that the applicant would like to have the inspection carried out at the place where the plants or items and their containers or packages are located, and the officer finds this to be necessary, the officer may carry out the inspection at that location.

(Date of Inspection)

Article 25 A plant protection officer must notify the person who has applied for an inspection pursuant to the provisions of Article 23 of the date of the inspection in advance.

(Transporting Items Subject to Inspection)

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

(Issuing Phytosanitary Certificates)

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

(2) If, for imports, the importing country requires a seal to be stamped on plants or items and their containers or packages for which a phytosanitary certificate has been issued, the plant protection officer, in addition to issuing a phytosanitary certificate under the provisions of Article 10, paragraph (3) of the Act, stamps a seal of verification indicating that a phytosanitary certificate has been issued (Form 13-3) on the plants or items and their containers or packages for which a phytosanitary certificate has been issued.

(Voiding the Issuance of Phytosanitary Certificates)

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

(When Plant Protection Officers May Decide Not to Conduct Part of an Inspection)

Article 29 If, together with the written application for inspection referred to in the provisions of Article 23, in applying for an inspection under the provisions of Article 23, the applicant submits a document in which a registered conformity inspection body states that it has confirmed through an inspection it has conducted (meaning an inspection related to registration prescribed in Article 10-4, paragraph (1), item (i) of the Act; simply referred to as "inspection" in the next Article through Article 31-14) that the importing country's requirements are being complied with (referred below to as a "written inspection report"), the plant protection officer may decide not to conduct a part of the inspection under the provisions of Article 10, paragraph (1) or (4) of the Act, pursuant to the provisions of Article 10, paragraph (5) of the Act.

(Registration as a Registered Conformity Inspection Body)

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

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

- (i) the applicant's articles of incorporation (but only if the applicant is a corporation) and a certificate of registered information;
- (ii) the list of assets and balance sheet for the business year before the business year that includes the date of application; provided, however, that for a corporation that has been incorporated in the business year that includes the date of application, this means the list of assets at the time of its incorporation;
- (iii) a business plan and budget for the business year that includes the date of application and the following business year;
- (iv) a receipt showing payment of the registration and license tax;
- (v) a document containing the following:
 - (a) an outline of its operations for inspections (referred below to as "inspection operations") and information about the organization that is engaged in inspection operations;
 - (b) information about how it implements inspection operations beyond what is stated in (a); and
 - (c) if it is engaged in operations other than inspection operations, an outline of those operations and information about its overall organization.
- (vi) a document explaining that the person that has filed the application referred to in the preceding paragraph complies with the provisions of each item of Article 10-4, paragraph (1) of the Act; and
- (vii) other documents stating information of reference.

(3) The written application referred to in paragraph (1) is to be submitted

through the plant protection station.

(Necessary Procedures for Registration)

Article 31 (1) The registration referred to in Article 10-4, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act) is made by an entry in the register (Form 15).

(2) If the Minister of Agriculture, Forestry and Fisheries changes an entry in the register, the Minister is to give public notice of this without delay.

(Inspectors)

Article 31-2 The phrase "person specified by Order of the Ministry of Agriculture, Forestry and Fisheries" as used in Article 10-4, paragraph (1), item (i) of the Act (including as applied mutatis mutandis pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act) means a person falling under either of the following items for each of the inspections stated in the items of Article 10-2 of the Act:

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

(Technical Standards for Machinery, Equipment, and Other Facilities Used for Inspections)

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

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

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

Article 31-4 The standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 10-4, paragraph (1), item (iii) of the Act (including as applied *mutatis mutandis* pursuant to Article 10-5, paragraph (2) and Article 10-6, paragraph (3) of the Act), are that an appropriate system has been established by a registered conformity inspection body to evaluate the independence and impartiality of inspection operations and identify potential relationships involving interested parties as it concerns its inspection operations.

(Details Given in the Register)

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

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

(Renewing Registration as a Registered Conformity Inspection Body)

Article 31-6 The provisions of Article 30 apply *mutatis mutandis* to a renewal of registration as referred to in Article 10-5, paragraph (1) of the Act. In such a case, the term "documents" in Article 30, paragraph (2) is deemed to be replaced with "documents (excluding documents stated in item (iv) and documents whose content has not changed from those submitted to the Minister of Agriculture, Forestry and Fisheries at the time of the application for registration)".

(Registering a Change)

Article 31-7 (1) A person must apply for a registration of change as referred to in Article 10-6, paragraph (2) of the Act by submitting a written application (Form 16) to the Minister of Agriculture, Forestry and Fisheries.

(2) The documents stated in each item of Article 30, paragraph (2) (excluding documents whose content has not changed from those submitted to the Minister of Agriculture, Forestry and Fisheries at the time of the application or registration renewal) must accompany the written application referred to in the preceding paragraph.

(3) The written application referred to in paragraph (1) is to be submitted

through the plant protection station.

(Standards for Operational Means Related to a Registered Conformity Inspection Body's Inspections)

Article 31-8 The standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 10-7, paragraph (2) of the Act are that a person who falls under any of the items of Article 31-2 uses the machinery, equipment and other facilities stated in the items of Article 31-3 for each category of inspection stated in those items to confirm whether the requirements of the importing country are being complied with by the means specified by the Minister of Agriculture, Forestry and Fisheries, under the system stated in Article 31-4.

(Notification of a Change in Registered Information)

Article 31-9 (1) If a registered conformity inspection body seeks to file a notification under the provisions of Article 10-8 of the Act, it must file a written notification (Form 17) to the Minister of Agriculture, Forestry and Fisheries.

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

(Applying for Approval for a Registered Conformity Inspection Body's Operational Rules)

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

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

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

(Provisions of a Registered Conformity Inspection Body's Operational Rules)

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

- (i) matters relating to the means of conducting inspection operations;
- (ii) matters relating to the organization conducting inspections, inspectors, and other personnel;

- (iii) matters relating to machinery, equipment, and other facilities used for inspection operations;
- (iv) matters relating to hours and holidays for conducting inspection operations;
- (v) matters relating to the maximum number of cases that it can accept applications for inspection for;
- (vi) matters relating to the place for performing inspection operations;
- (vii) matters relating to the means of calculating and receiving inspection fees;
- (viii) matters relating to the preservation of written applications for inspection and other documents related to inspections;
- (ix) matters relating to the keeping of financial statements, etc., (meaning financial statements, etc., stated in Article 10-11, paragraph (1) of the Act; the same applies below in this Article) and the acceptance of requests to inspect or have other access to financial statements, etc.;
- (x) matters relating to compensation for damage arising from inspection operations and other provisions on obligations; and
- (xi) matters necessary for inspection operations, beyond those stated in the preceding items.

(Applying to Suspend or Discontinue a Registered Conformity Inspection Body's Operations)

- Article 31-12 (1) If a registered conformity inspection body seeks permission to suspend or discontinue its inspection operations pursuant to the provisions of Article 10-10 of the Act, it must submit a written application (Form 20) to the Minister of Agriculture, Forestry and Fisheries.
- (2) The written application referred to in the preceding paragraph is to be submitted through the plant protection station.

(Means of Showing the Content of Electronic or Magnetic Records)

- Article 31-13 (1) The means specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 10-11, paragraph (2), item (iii) of the Act is a means that involves showing the content of an electronic or magnetic record (meaning an electronic or magnetic record prescribed in Article 10-11, paragraph (1) of the Act; the same applies below in this Article) on paper or on the screen of an output device.
- (2) The electronic or magnetic means specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 10-11, paragraph (2), item (iv) of the Act is to be the means that the registered conformity inspection body prescribes from among the following:
- (i) a means that involves using an electronic data processing system that connects the computer that the sender is using and the computer that the

- recipient is using over a telecommunications line, and that causes information to be transmitted over the telecommunications line and recorded in a file stored on the computer that the recipient is using; or
- (ii) a means that involves delivering something containing information that has been recorded into a file created using a thing onto which it is possible to securely record a fixed set of information as an electronic or magnetic record.

(Registered Conformity Inspection Bodies' Bookkeeping)

- Article 31-14 (1) The books prescribed in Article 10-16 of the Act must be prepared for each registered conformity inspection body that carries out inspection operations, kept at the office that carries out those operations, and preserved for four years from the date of the last entry.
- (2) The matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 10-16 of the Act, are as follows:
- (i) the name and address of any person applying for an inspection;
 - (ii) the date on which it received the application for inspection;
 - (iii) the date on which it conducted the inspection;
 - (iv) the place where it conducted the inspection;
 - (v) inspection items;
 - (vi) the plants or items it inspected and their quantity;
 - (vii) the place of production or country of origin of the plants or articles it inspected;
 - (viii) the name of the inspector who conducted the inspection;
 - (ix) results of the inspection; and
 - (x) other necessary matters.

Chapter IV Inspection of Designated Seeds and Seedlings

(Application for Inspection)

- Article 32 (1) A seed and seedling producer seeking to undergo the inspection referred to in Article 13, paragraph (1) of the Act (or the representative, if producers are jointly applying for inspection) must submit a written application for inspection as specified by the Minister of Agriculture, Forestry and Fisheries to the plant protection officer by the deadline separately established by public notice, for each type of designated seeds and seedlings.
- (2) A person who has applied for an inspection pursuant to the provisions of the preceding paragraph must make a posting as shown in Form 20-2 in a readily visible spot at the cultivation site and attend the inspection.

(Notice of Inspection Date)

- Article 33 The provisions of Article 25 apply *mutatis mutandis* when a person

has filed an application for inspection pursuant to the provisions of paragraph (1) of the preceding Article.

(Inspection Certificates and Abridged Copies)

Article 34 The format for an inspection certificate as referred to in Article 13, paragraph (3) of the Act is as shown in Appended Form 21, and the format for an abridged copy of an inspection certificate as referred to in paragraph (4) of that Article is as shown in Appended Form 22.

(Written Disposal Orders and Certificates of Disposal)

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

Chapter IV-2 Restrictions and Prohibitions on the Transfer of Plants

(Transfer-Restricted Regions and Transfer-Restricted Plants)

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

(Exceptions to Restrictions on the Transfer of Transfer-Restricted Plants)

Article 35-3 (1) The cases specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 16-2, paragraph (1) of the Act are cases in which a person has obtained permission from the Minister of Agriculture, Forestry and Fisheries to use the plant or designated item in experimentation or research, and the plants or designated items are transferred with a document certifying that the person has obtained that permission (Form 22-2) (referred to as "permit to transfer transfer-restricted plants or designated items" in paragraph (3)) attached to each package.

(2) A person seeking the permission referred to in the preceding paragraph must submit an application for permission to transfer transfer-restricted plants or designated items (Form 22-3) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the person's domicile.

(3) When the Minister of Agriculture, Forestry and Fisheries grants the permission referred to in paragraph (1), the Minister is to issue a permit to transfer transfer-restricted plants or designated items, and a written directive on permission to transfer transfer-restricted plants or designated items (Form 22-3-2) to the person who applied for the permission.

(Transfer Inspections and Labeling of Inspection Confirmation)

Article 35-4 (1) The inspection referred to in Article 16-2, paragraph (1) of the Act (referred below to as a "transfer inspection" in this Article) is conducted for the things stated in the following:

- (i) the plants and designated items that are stated in the "plants or designated items" column, and that are located in the regions stated in "regions" column of items 1,2,5, and 6 of Annexed Table 3, and their containers or packages; and
 - (ii) the plants and designated items that are stated in the "plants or designated items" column, and that are located in the regions stated in "regions" column of items 3 and 4 of Annexed Table 3.
- (2) A transfer inspection is conducted at the plant protection station or at a place designated by the director general of the plant protection station; provided, however, that if a person files an application indicating that they would like to undergo a transfer inspection at the place where the plants or designated items or their containers or packages are located, and any of the following items applies, the inspection may be conducted at that location:
- (i) if there is a large quantity of plants, designated items, or their containers or packages as stated in each item of the preceding paragraph, and it is found to be necessary to conduct the inspection at that location in order to accommodate the replacement of those that do not pass the inspection; or
 - (ii) beyond as referred to in the preceding item, if it is found to be necessary to conduct the inspection at that location in order to manage the cultivation of the plants stated in item (ii) of the preceding paragraph during the transfer inspection.
- (3) A person seeking to undergo transfer inspection must submit a written application for inspection (Form 22-4) to the plant protection officer no later than two days before the date on which the person seeks to transfer the plants, designated items, or their containers or packages (or no later than five days before the date on which the person seeks to undergo the transfer inspection, in the case referred to in the proviso to the preceding paragraph).
- (4) A plant protection officer must notify the person who has applied for a transfer inspection pursuant to the provisions of the preceding paragraph of the date of the inspection in advance.
- (5) The provisions of Article 12 apply *mutatis mutandis* to the person who has applied for transfer inspection pursuant to the provisions of paragraph (3).
- (6) When a plant protection officer finds, as the result of a transfer inspection, that the plants or designated items or their containers or packages are not infested with harmful animals or harmful plants as stated in the "remarks" column of Annexed Table 3, the officer attaches an inspection certificate (Form 22-5) or an inspection voucher (Form 22-6) to the plants or designated items or

their containers or packages, stamps an inspection seal (Form 22-7) on them, or sticks an inspection certificate stamp (Form 22-8) on them, as the label indicating that they are not infested with harmful animals or harmful plants which is referred to in Article 16-2, paragraph (1) of the Act.

(Confirmation of Disinfection and Labeling of Confirmation)

- Article 35-5 (1) A plant protection officer confirms disinfection as stated in Article 16-2, paragraph (1) of the Act (referred below to as "confirming disinfection" in this Article) for plants or designated items stated in the "plants or designated items" column and located in the regions stated in the "regions" column of Annexed Table 4.
- (2) A plant protection officer confirms disinfection at the plant protection station or at a place designated by the director general of the plant protection station.
- (3) A person seeking to have a plant protection officer confirm disinfection must submit a written application to confirm disinfection (Form 22-9) to the plant protection officer no later than two days before the disinfection that the person seeks confirmation for.
- (4) A plant protection officer must notify the person who has applied to have the officer confirm disinfection pursuant to the provisions of the preceding paragraph of the date of the confirmation of the disinfection, in advance.
- (5) The provisions of Article 12 apply mutatis mutandis to the person who has applied to have a plant protection officer confirm disinfection pursuant to the provisions of paragraph (3).
- (6) When a plant protection officer confirms disinfection, the officer attaches a disinfection confirmation certificate (Form 22-10) or a disinfection confirmation voucher (Form 22-11) to the plants or designated items or their containers or packages, stamps a disinfection confirmation seal (Form 22-12) on them, or sticks a disinfection confirmation stamp (Form 22-13) on them, as the label indicating that they have been disinfected which is referred to in Article 16-2, paragraph (1) of the Act.

(Standards for Disinfection)

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

(Transfer-Prohibited Regions and Transfer-Prohibited Plants)

Article 35-7 (1) Plants that are located within the regions specified by Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 16-3,

paragraph (1) of the Act, and that are specified by Order of the Ministry of Agriculture, Forestry and Fisheries are as shown in Annexed Table 6.

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

(Applying for Permission to Transfer Transfer-Prohibited Plants)

- Article 35-8 (1) A person is to apply for permission as referred to in Article 7, paragraph (2) of the Act as applied *mutatis mutandis* pursuant to Article 16-3, paragraph (2) of the Act by submitting a written application for permission to transfer transfer-prohibited plants and other articles (Form 22-14) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the domicile of the person seeking the permission.
- (2) When the Minister of Agriculture, Forestry and Fisheries grants permission under the provisions of the proviso to Article 16-3, paragraph (1) of the Act, the Minister is to issue a permit to transfer transfer-prohibited plants and other articles (Form 22-15) and a written directive on permission to transfer transfer-prohibited plants and other articles (Form 22-16) to the person who applied for the permission.
- (3) A person who has been issued a permit to transfer transfer-prohibited plants and other articles as referred to in the preceding paragraph must transfer the transfer-prohibited plants and other articles (meaning plants prescribed in paragraph (1) of the preceding Article, harmful animals or harmful plants prescribed in paragraph (2) of that Article, or their containers or packages; the same applies in Article 35-10, paragraph (1)) for which the permission has been issued with the permit attached to each package.
- (4) When the Minister of Agriculture, Forestry and Fisheries orders disposal or other necessary measures pursuant to the provisions of Article 7, paragraph (6) of the Act as applied *mutatis mutandis* pursuant to Article 16-3, paragraph (2) following the deemed replacement of terms, the Minister is to issue a written order to dispose of or take other measures for transfer-prohibited plants and other articles (Form 22-17).

(Standards for Control Facilities After Transfer of Transfer-Prohibited Plants)

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

the deemed replacement of terms.

(Conditions on Permission to Transfer Transfer-Prohibited Plants)

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

- (i) that, before transferring the transfer-prohibited plants and other articles that the person seeks to transfer, the person will obtain confirmation from the plant protection officer that they have obtained the permission under the proviso to Article 16-3, paragraph (1) of the Act;
 - (ii) conditions on the means of transporting or packing transfer-prohibited plants and other articles that the person seeks to transfer;
 - (iii) conditions on the place and term for managing transfer-prohibited plants and other articles after their transfer and on other ways of managing them;
 - (iv) conditions on the person responsible for managing the transfer-prohibited plants and other articles after their transfer;
 - (v) conditions involving restrictions or prohibitions on the transfer or other handling of transfer-prohibited plants and other articles after their transfer; and
 - (vi) conditions on the ways of notifying the relevant persons and the means of taking other measures if harmful animals or harmful plants stated in the "harmful animals or harmful plants" column in Annexed Table 7 for which permission under the proviso to Article 16-3, paragraph (1) of the Act has not been obtained appear during the management of transfer-prohibited plants and other articles after their transfer.
- (2) The provisions of Article 8, paragraph (2) apply mutatis mutandis to a person who has obtained the permission stated in the proviso to Article 16-3, paragraph (1) of the Act.

(Written Disposal Orders and Certificates of Disposal)

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

Chapter IV-3 Invasion Survey

(Harmful Plants and Animals to Alert Invasion into Japan)

Article 35-12 Harmful plants and animals designated by the Minister of

Agriculture, Forestry and Fisheries, referred to in Article 16-6 of the Act, are as provided in Annexed Table 8.

Chapter V Emergency Pest Control

(Things Subject to Standards to Implement Emergency Pest Control)

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

(Emergency Pest Control)

Article 36 The Minister of Agriculture, Forestry and Fisheries issues an order under the provisions of Article 18, paragraph (2) of the Act by issuing a written order for emergency measures (Form 23).

(Format for Written Instructions Requesting Cooperation)

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

(Report of the Results of Cooperation)

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

(Claims for Cost)

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

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

Section 1 Integrated Pest Management

(Plants and Animals Designated as Harmful Species)

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

(Reporting the Plan for Integrated Pest Management)

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

(Means of Issuing Recommendations)

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

- (i) that a recommendation is made under the provisions of Article 24-3, paragraph (1) of the Act;
 - (ii) the content of the matters to be improved;
 - (iii) specific means of improvement for each particular referred to in the preceding item;
 - (iv) specified period for improvement; and
 - (v) other matters deemed necessary.
- (2) The prefectural governor is to decide on the time limit stated in item (iv) of the preceding paragraph in consideration of the outbreak status of plants and animals designated as harmful species and other circumstances.

(Means of Issuing Orders)

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

- (i) that an order is issued under the provisions of Article 24-3, paragraph (2) of the Act;
 - (ii) the fact that the recommendation has not been followed;
 - (iii) the content of the measures to be taken;
 - (iv) specified period for taking the measures; and
 - (v) other matters deemed necessary.
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the specified period referred to in item (iv) of the preceding paragraph.

Section 2 Providing Persons with Chemicals

(The Party Provided with Chemicals)

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

(Applying to Be Provided with Chemicals)

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

(Decision to Provide Chemicals)

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

(Delivery)

Article 44 (1) Pest control chemicals to be provided pursuant to the provisions of Article 27, paragraph (1) of the Act are delivered on the date and place described in the written approval to be provided with chemicals referred to in the preceding Article.

(2) A person who has been delivered pest control chemicals pursuant to the provisions of the preceding paragraph (referred below to as the "transferee") must submit a receipt (Form 29) to the Minister of Agriculture, Forestry and Fisheries immediately after the delivery.

(Restrictions on the Use of Pest Control Chemicals)

Article 45 (1) A transferee must not use, provide, or transfer pest control chemicals in violation of the conditions described in the written approval to be provided with chemicals referred to in Article 43.

(2) If a transferee violates the provisions of the preceding paragraph, the

Minister of Agriculture, Forestry and Fisheries may order the transferee to return all or part of the pest control chemicals or equivalent chemicals, or to pay an equivalent amount of consideration.

(Collecting Reports)

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

Section 3 Lending Equipment for Pest Control Without Charge

(Application)

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

(Lending Equipment)

Article 48 (1) When the Minister of Agriculture, Forestry and Fisheries receives a written application to borrow equipment referred to in the preceding Article, the Minister examines the contents of the application to decide whether or not to approve lending it, and if the equipment is lent, the Minister determines how the equipment for pest control will be used and other necessary matters.
(2) Based on the decision referred to in the preceding paragraph, the director general of a plant protection station issues a written notice of approval for the lending of equipment (Form 32) to the applicant if the equipment is lent, or notifies the applicant if the equipment will not be lent.

(Delivery)

Article 49 (1) Equipment for pest control is delivered on the date and place described in the written notice of approval for the lending of equipment referred to in paragraph (2) of the preceding Article.
(2) The person who is delivered equipment for pest control pursuant to the provisions of the preceding paragraph (referred below to as the "borrower") must submit a written acknowledgment (Form 33) to the Director General of plant protection station immediately after the delivery.

(Application for Extension of Lending Period)

Article 50 (1) If the borrower finds it impossible to complete pest control by the

final day in the lending period described in the written notice of approval of lending referred to in Article 48, paragraph (2), the borrower may apply to the Minister of Agriculture, Forestry and Fisheries for an extension of the lending period.

(2) A person must file the application referred to in the preceding paragraph by submitting a written application for extension of the lending period (Form 34) to the Minister of Agriculture, Forestry and Fisheries through the plant protection station having jurisdiction over the person's domicile no later than five days before the final day in the lending period.

(3) If the Minister of Agriculture, Forestry and Fisheries accepts the application referred to in the preceding paragraph and approves the extension of the period, the director general of the plant protection station issues a written notice of approval to extend the lending period (Form 35) to the applicant.

(Obligations of Borrowers)

Article 51 (1) A borrower must manage the equipment for pest control they have borrowed with the due care of a prudent manager.

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

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

Article 53 (1) If a borrower loses or damages the equipment for pest control they have borrowed due to reasons attributable to the borrower, the borrower must cover the loss or damage or repair the equipment at their own expense, or must pay compensation to the State, in accordance with the instructions of the director general of the plant protection station.

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

(Returning Equipment)

Article 54 A borrower must return the equipment for pest control they have borrowed on the date and place described in the written notice of approval for the lending of equipment referred to in Article 48, paragraph (2) or the written notice of approval for extension of the lending period referred to in Article 50,

paragraph (3), and also submit a notice of return (Form 36) to the director general of the plant protection station.

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

(Collection of Penalties)

Article 56 (1) If a borrower fails to return the equipment for pest control that they have borrowed by the return date described in the written notice of approval for the lending of equipment referred to in Article 48, paragraph (2) or the written notice of approval for the extension of the lending period referred to in Article 50, paragraph (3) (or, in the case referred to in the preceding Article, the designated date specified in the return order), the borrower must pay a penalty in the amount specified by the Minister of Agriculture, Forestry and Fisheries for each type of equipment for pest control for the number of days in the period running from the day following the return date until the date the equipment is returned; provided, however, that this does not apply in the case of a natural disaster or other compelling circumstances recognized by the Minister of Agriculture, Forestry and Fisheries.

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

(Bearing of Expenses)

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

Article 58 Deleted

Chapter VII Plant Protection by the Prefectures

(Pest Control Stations)

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

- (i) the name of the pest control station;
- (ii) its location and jurisdiction;
- (iii) the status of the cultivation of crops and the outbreak of harmful animals

- and harmful plants within its jurisdiction;
- (iv) an outline of the facilities;
- (v) the full number of officials by occupation;
- (vi) an outline of its operations; and
- (vii) the scheduled date on which it will begin its operations.

(Pest Control Staff)

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

Chapter VIII Miscellaneous Provisions

(Number of Farming Households and Area of Agricultural Land Used as Basis for Deciding to Provide Subsidies)

Article 61 (1) The number of farming households referred to in Article 35, paragraph (2) of the Act is based on the total number of agriculture management entities described under "Number of Management Entities by Area of Cultivated Land under Management" in the most recently announced survey referred to in Article 1 of the Census of Agriculture and Forestry Regulations (Order of the Ministry of Agriculture and Forestry No. 39 of 1969).
(2) The area of agricultural land referred to in Article 35, paragraph (2) of the Act is calculated by deducting the area of exclusive meadowland in the fields from the total area of cultivated land under management described under "Status of Cultivated Land under Management" in the survey prescribed in the preceding paragraph.

(Delegation of Authority)

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