

Act on the Prevention of Adverse Ecological Impacts Caused by Designated Invasive Alien Species (Tentative translation)

((Act No. 78 of June 2, 2004))

Table of Contents

Chapter I General Provisions (Article 1 to Article 3)
Chapter II Regulations on Handling of Designated Invasive Alien Species (Article 4 to Article 10)
Chapter III Control of Designated Invasive Alien Species
Section 1 Principles of Control (Article 10-2)
Section 2 Control by the Competent Ministers (Article 11 to Article 17)
Section 3 Control by Local Governments (Article 17-2 to Article 17-6)
Section 4 Control by Non-Governmental Entities (Article 18 to Article 20)
Chapter IV Unevaluated Alien Species (Article 21 to Article 24)
Chapter IV-2 Inspection of Imported Goods (Article 24-2 to Article 24-4)
Chapter IV-3 Designated Invasive Alien Species Requiring Urgent Actions (Article 24-5 to Article 24-7)
Chapter V Miscellaneous Provisions (Article 25 to Article 31)
Chapter VI Penal Provisions (Article 32 to Article 36)
Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prevent adverse ecological impacts caused by designated invasive alien species through regulating raising, growing, storing, carrying (hereinafter "raise"), importing, and other handling of designated invasive alien species and through taking measures such as the control of designated invasive alien species by the national government and other entities, and, doing so, to help stabilize and improve lives of the citizenry through contributions to conservation of biodiversity, human safety and sound development of agriculture, forestry and fisheries.

(Definition)

Article 2 (1) In this Act, "designated invasive alien species" means individual organisms (including eggs, seeds and others designated by Cabinet Order; limited to living ones) and the respective organs (limited to those which require measures such as regulations on raising for preventing adverse ecological

impacts to be taken under this Act and which are designated by Cabinet Order; limited to living ones) of living organisms designated by Cabinet Order as ones existing outside their original habitats as a result of introduction from overseas into our country (including those generated as the result of hybridization of such living organisms; hereinafter "alien species") that are to cause or likely to cause adverse ecological impacts because of their different nature from organisms having original habitats in Japan (hereinafter "native species").

- (2) In this Act "adverse ecological impacts" means adverse impacts on ecosystem, human life or body, or agriculture, forestry and fisheries.
- (3) In this Act, "designated invasive alien species requiring urgent actions" means a subset of designated invasive alien species designated by Cabinet Order as ones those spread is likely to cause significant adverse ecological impacts and significantly impair the stability of lives of the citizenry, thus requiring urgent actions such as inspection, control, and other measures to prevent the dispersal of the relevant designated invasive alien species upon discovery of them or those suspicious for being the relevant designated invasive alien species.
- (4) When the competent minister makes a plan in enacting, amending or abolishing a Cabinet Order under paragraph (1) and the preceding paragraph, the minister must consult persons with relevant expertise on the nature of the living organisms.

(Responsibilities of the National Government)

Article 2-2 (1) The national government is responsible for comprehensively formulating and implementing measures for the prevention of adverse ecological impacts caused by alien species.

- (2) The national government is to take necessary measures to prevent the spread of designated invasive alien species that have not been confirmed to be established in Japan or whose distribution is localized, and to prevent adverse impacts on ecosystem caused by designated invasive alien species in areas identified to be important for conservation of biodiversity.
- (3) The national government is to take necessary measures to support the measures taken by local governments and to promote activities by business entities, citizens, or private-sector organizations organized by them (hereinafter "private-sector organizations" in Article 2-5) so as to prevent adverse ecological impacts due to designated invasive alien species.

(Responsibilities of Local Governments)

Article 2-3 (1) Prefectures are to take necessary measures to prevent adverse ecological impacts due to designated invasive alien species that have already

been confirmed to be established in Japan, based on the situation and trends of adverse ecological impacts due to designated invasive alien species in the area of the relevant prefecture and other actual conditions.

- (2) Municipalities (including special wards; the same applies hereinafter) are to endeavor to take necessary measures to prevent adverse ecological impacts due to designated invasive alien species that have already been confirmed to be established in Japan, in the same manner as prefectural measures, based on the situation and trends of adverse ecological impacts due to designated invasive alien species in the area of the relevant municipalities and other actual conditions.

(Responsibilities of Business Entities and Citizens)

Article 2-4 (1) Business entities and citizens are to endeavor to deepen their knowledge and understanding of alien species and to properly handle them, and are to cooperate with measures implemented by the national government and local governments to prevent adverse ecological impacts due to designated invasive alien species.

- (2) A person that contracts out importing, transporting or storing of goods to other entities is to take necessary consideration to ensure that those entities who has undertaken importing, transporting or storing of goods from the relevant person can carry out the business in compliance with this Act and orders based on this Act.

(Cooperation by the Relevant Entities)

Article 2-5 The national government, prefectures, municipalities, business entities, private-sector organizations, and other relevant entities are to endeavor to cooperate in mutual coordination so as to prevent adverse ecological impacts due to designated invasive alien species.

(Basic Policy for Preventing Adverse Ecological Impacts Caused by Designated Invasive Alien Species)

Article 3 (1) The competent minister must prepare a draft of a basic policy for preventing adverse ecological impacts caused by designated invasive alien species upon consultation with the Central Environment Council and ask for a cabinet decision on it.

- (2) The basic policy in the preceding paragraph (hereinafter "basic policy") is to specify the following matters:
- (i) the basic framework concerning the prevention of adverse ecological impacts caused by designated invasive alien species;
 - (ii) basic matters concerning the selection of designated invasive alien species;
 - (iii) basic matters concerning the handling of designated invasive alien species;

- (iv) basic matters concerning the control of designated invasive alien species by the national government and other entities;
 - (v) beyond the matters in the preceding items, important matters concerning the prevention of adverse ecological impacts caused by designated invasive alien species.
- (3) The competent minister must make it public without delay, if a cabinet decision on the basic policy under paragraph (1) is made.
- (4) The provisions of paragraph (1) and the preceding paragraph apply *mutatis mutandis* to changes in the basic policy.

Chapter II Regulations on Handling of Designated Invasive Alien Species

(Prohibition of Raising)

Article 4 Designated invasive alien species must not be raised; provided, however, that this does not apply to the following cases:

- (i) in the case of raising in accordance to a permission of the following Article, paragraph (1), after obtaining the permission;
- (ii) in case of capture and other treatment for control under the following Chapter, or in the other cases of having a compelling reason as specified by order of the competent ministry.

(Permission for Raising)

Article 5 (1) A person that intends to raise designated invasive alien species for the purpose of academic research or the purposes specified by order of the competent ministry must obtain permission from the competent minister.

- (2) A person that intends to obtain the permission under the preceding paragraph must apply for permission with the competent minister as specified by order of the competent ministry.
- (3) The competent minister must not grant the permission under paragraph (1) if there is a reason that falls under any of the following items regarding the raising related to the application of the preceding paragraph:
- (i) the purpose of the raising does not conform to a purpose provided for in paragraph (1);
 - (ii) the person intending to raise the invasive alien species is found to be unable to properly handle the designated invasive alien species related to the raising because the person does not have a raising facility which meets standards specified by order of the competent ministry according to the nature of the relevant designated invasive alien species (hereinafter "specified raising facility") or for some other reason.
- (4) If the competent minister intends to grant the permission under paragraph (1), and finds it necessary so as to prevent adverse ecological impacts due to

designated invasive alien species, the minister may attach conditions to the permission, to the necessary extent.

- (5) A person that obtains the permission under paragraph (1), in raising a designated invasive alien species related to the permission, must periodically conduct inspection of the specified raising facility related to the relevant designated invasive alien species, make it clear that the person has the permission for the relevant designated invasive alien species, and employ other methods provided for by order of the competent ministry.

Article 6 Deleted

(Prohibition of Import)

Article 7 Designated invasive alien species must not be imported; provided, however, that this does not apply if a permittee under Article 5, paragraph (1) imports a designated invasive alien species related to that permission.

(Prohibition of Transferring)

Article 8 Designated invasive alien species must not be transferred or received by transfer, or, delivered or received by delivery (hereinafter "transfer"); provided, however, that this does not apply to the case in which persons that raise or intend to raise a designated invasive alien species falling under Article 4, item (i) transfer the designated invasive alien species related to the raising between them, and to other cases provided by order of the competent ministry.

(Prohibition of Releasing)

Article 9 Designated invasive alien species related to the raising, importing, or transferring must not be released, planted, or sowed (hereinafter "release") outside the specified raising facility related to the relevant designated invasive alien species; provided, however, that this does not apply in the following cases:

- (i) if releasing in accordance to a permission of the following Article, paragraph (1), after obtaining the permission;
- (ii) if releasing for control under the following Chapter.

(Permission for Releasing)

Article 9-2 (1) A person that intends to release a designated invasive alien species for the purpose of academic research to promote control under the following Chapter must obtain permission from the competent minister.

- (2) A person that intends to obtain the permission under the preceding paragraph must apply for the permission with the competent ministers as specified by order of the competent ministry.

- (3) The competent minister must not grant the permission under the preceding paragraph unless the minister finds that the purpose of the releasing related to the application under the preceding paragraph is consistent with the purpose provided for in paragraph (1); and that the releasing complies with the standards specified by order of the competent ministry, such as the releasing being unlikely to expand the habitat area of the relevant designated invasive alien species.
- (4) When the competent minister grants the permission under paragraph (1), the minister must issue a permit, as designated by order of the competent ministry.
- (5) A permittee under paragraph (1) must carry the permit referred to in the preceding paragraph when undertaking the releasing related to that permission.
- (6) The provisions of Article 5, paragraph (4) apply *mutatis mutandis* to permission under paragraph (1).

(Order for Measures)

- Article 9-3 (1) If the competent minister finds it necessary so as to prevent adverse ecological impacts due to designated invasive alien species, the minister may order to the necessary extent for such prevention, the person in violation of the conditions attached pursuant to the provisions of Article 4, Article 5, paragraph (5), Article 8 or Article 9, or the provisions of Article 5, paragraph (4) (including when applied *mutatis mutandis* in paragraph (6) of the preceding Article) to take necessary measures, such as suspending the raising of the relevant designated invasive alien species, improving the method of raising of the relevant designated invasive alien species, or collecting the relevant designated invasive alien species which were released.
- (2) If a permittee under Article 5, paragraph (1) or paragraph (1) of the preceding Article violates the provisions of this Act or an order under this Act, or a disposition under this Act, and adverse ecological impacts due to designated invasive alien species occur or are likely to occur, the competent minister may revoke such permission.

(Collection of Reports and On-site Inspection)

- Article 10 (1) To the necessary extent for the enforcement of this Act, the competent minister may request a permittee under Article 5, paragraph (1) or Article 9-2, paragraph (1) to submit reports on conditions of handling designated invasive alien species or on necessary matters.
- (2) To the necessary extent for the enforcement of this Act, the competent minister may have employees enter facilities for the raising of designated invasive alien species or areas related to a releasing, inspect items such as designated invasive alien species or documents,, or question relevant persons.

- (3) The employees in the preceding paragraph must carry certificate and present it to relevant persons.
- (4) The authority under paragraph (2) must not be construed as being granted for the purpose of criminal investigation.

Chapter III Control of Designated Invasive Alien Species

Section 1 Principles of Control

Article 10-2 Entities that conduct control under this chapter must comply with the provisions of this Act, Wildlife Protection, Control, and Hunting Management Act (Act No. 88 of 2002) and other laws and regulations, and must conduct control by appropriate methods to ensure the safety of residents and biodiversity.

Section 2 Control by the Competent Ministers

(Control by the Competent Ministers)

Article 11 (1) The competent minister and heads of the pertinent administrative organs of the national government (hereinafter "competent ministers and others") are to conduct control in the following cases, pursuant to the provisions of this section.

- (i) when it is necessary to prevent the occurrence of adverse ecological impacts caused by designated invasive alien species that have not been confirmed to be established in Japan;
 - (ii) when it is necessary to prevent the spread of designated invasive alien species whose distribution in Japan is localized;
 - (iii) when it is necessary to prevent the occurrence of adverse impacts on ecosystem caused by designated invasive alien species in areas identified to be important for conservation of biodiversity;
 - (iv) beyond what is set forth in the preceding three items, when the competent ministers and others find it particularly necessary so as to prevent the occurrence of adverse ecological impacts caused by designated invasive alien species or the spread of designated invasive alien species.
- (2) To implement the control under the preceding paragraph, the competent ministers and others must, as designated by order of the competent ministry, specify the following items and make them public after hearing the opinions of the prefectures concerned.

The same shall apply to any change thereof.

- (i) the type of designated invasive alien species to be subjected to the control;
- (ii) an area and a period for implementing the control;
- (iii) methods of control such as capturing, collecting, or killing (hereinafter

- "capturing, collecting, or killing") of the relevant designated invasive alien species or releasing of sterilized designated invasive alien species for the purpose of control of them;
- (iv) if a part of the control is implemented by a local government, the name of the local government;
- (v) beyond the matters in the preceding items, items specified by Order of the competent ministry.
- (3) If the competent ministers and others intend to specify the matters set forth in item (iv) of the preceding paragraph, they must obtain the consent of the relevant local government in advance.

(Exception from the Wildlife Protection, Control, and Hunting Management Act)

Article 12 To the capturing, collecting, or killing of designated invasive alien species subjected to control implemented by the competent ministers and others (including the local government provided for in item (iv) of paragraph (2) of the preceding Article) under the same Article, paragraph (1), the provisions of the Wildlife Protection, Control, and Hunting Management Act Chapter III (excluding Article 15), Chapter IV (excluding Article 35, Article 36, and Article 38), and Chapter V are not applied. The provisions of Article 15, Article 35, Article 36, and Article 38 of the same Act are applied, except in cases provided by the competent minister as those in which it is found possible to implement the control by an appropriate method in consideration of the conditions of the area where the relevant capturing, collecting, or killing is implemented and other circumstances for each type of designated invasive alien species.

(Entry into Land and other measures)

- Article 13 (1) The competent minister and others (including the head of the local government provided for in Article 11, paragraph (2), item (iv); hereinafter the same applies in this Article) may have employees or persons delegated by them enter other persons' lands or water surfaces to conduct surveys in order to collect information on the living or growth condition of designated invasive alien species, or, on the situation of adverse ecological impacts due to designated invasive alien species and other information (in the case of the head of the relevant local government, limited to those relating to control under Article 11, paragraph (1) implemented by the local government) necessary for determination on the need for control of designated invasive alien species or for implementing the control, to the necessary extent for the survey.
- (2) To the necessary extent for control under Article 11, paragraph (1), the competent ministers and others may have employees enter other persons' lands

or water surfaces, engage in capturing, collecting, or killing, or releasing of designated invasive alien species, or cut down trees and bamboo which interfere with the capturing, collecting, or killing of designated invasive alien species.

- (3) If the competent ministers and others have employees engage in a survey or conduct pursuant the preceding two paragraphs, or, have persons delegated by them engage in a survey pursuant paragraph (1), the relevant competent ministers and others, in advance, must notify the possessor of the land or the water surface, or owners of the trees or bamboo to that effect, and give them an opportunity to express their opinions.
- (4) A person that intends to enter other persons' lands or water surfaces pursuant to the provisions of paragraph (1) or (2) must carry certificate and present it to relevant persons.
- (5) If the competent ministers and others make the notification under paragraph (3), and the other party is unknown or the address of the other party is not clear, the relevant competent ministers and others must post the notification at the place of notification for the office of the municipality to which the location of the land, water surface, or trees or bamboo regarding the notification belongs, and publish the summary of the notification and the fact that it has been posted, in the official gazette (in the case of the head of the local government provided for in Article 11, paragraph (2), item (iv), the bulletin of the local government; hereinafter the same applies in this paragraph).

In these cases, the notification is deemed to have reached the other party 14 days from whichever comes later, the date on which the notification was first posted, or the date of publication in the official gazette,.

(Compensation of Loss)

- Article 14 (1) The national government compensates the normally expected losses incurred to a person due to a survey under paragraph (1) of the preceding Article or an act under paragraph (2) of the same Article.
- (2) A person that intends to receive compensation under the preceding paragraph must request it to the competent ministers and others.
 - (3) If the competent ministers and others receive a request under the preceding paragraph, they must decide the amount of compensation and inform it to the relevant requester.

(Filing of a Suit)

- Article 15 (1) A person that is dissatisfied with a decision made under paragraph (3) of the preceding Article may claim an increase of the amount of compensation within six months from the date of the receipt of the notice.

- (2) With regard to the claim under the preceding paragraph, the national government is the defendant.

(Dues of a Causer)

Article 16 If the control under Article 11, paragraph (1) needs to be implemented, and there is a person that has performed an act which causing it, the national government may make the person bear the whole or part of expenses within to the necessary extent for implementing the control.

(Method of Collecting Dues)

Article 17 (1) If the competent ministers and others intend to make a person bear expenses pursuant to the provisions of the preceding Article, the relevant competent ministers and others must fix the amount of expenses that they intend to make the person bear (hereinafter "dues" in this Article) and the due date for the payment, and order the payment, as provided for by order of the competent ministry.

- (2) If a person fails to pay the dues by the due date for the payment under the preceding paragraph, the competent ministers and others must fix a due date for payment and demand the payment by a demand letter as provided for by order of the competent ministry.

- (3) If the competent ministers and others demand payment pursuant to the preceding paragraph, they may collect arrearages in an amount calculated by multiplying the dues by a rate not exceeding 14.5% per annum based on the number of days from the date following the due date for payment in paragraph (1) to the date of completion of the payment of the dues or to the date preceding the attachment of property for collecting the dues, as provided for by order of the competent ministry.

- (4) If a person that is demanded to pay pursuant to paragraph (2) does not pay the dues and the arrearages of the dues in the preceding paragraph (hereinafter "arrearages" in this Article) by the due date fixed by the competent ministers and others on the demand letter in paragraph (2), the relevant competent ministers and others may collect the dues and the arrearages in accordance with cases of disposition of delinquency for national taxes.

In this case, the order of the statutory lien of the dues and the arrearages comes next after national taxes and local taxes.

- (5) The arrearages come prior to the dues.

Section 3 Control by Local Governments

(Control by Prefectures)

Article 17-2 (1) Prefectures are to conduct control in the following cases, singly or jointly in accordance pursuant to the provisions of this section.

- (i) in the case where adverse ecological impacts due to designated invasive alien species that have already been confirmed to be established in Japan occur or are likely to occur, and where it is found necessary to conduct control of the designated invasive alien species in consideration of the situation of adverse ecological impacts due to designated invasive alien species and other circumstances;
 - (ii) beyond what is set forth in the preceding item, when it is found necessary so as to prevent the occurrence of adverse ecological impacts caused by designated invasive alien species.
- (2) To implement the control under the preceding paragraph, prefectures must, singly or jointly, specify the following items, and make them public and notify the competent minister thereof without delay, as designated by order of the competent ministry.

The same shall apply to any change thereof.

- (i) the matters set forth in Article 11, paragraph (2), items (i) through (iii);
 - (ii) if a part of the control is implemented by a municipality within the area of the relevant prefecture, the name of the municipality;
 - (iii) beyond the matters in the preceding two items, items specified by order of the competent ministry.
- (3) If a prefecture intends to specify the matters set forth in item (ii) of the preceding paragraph, it must obtain the consent of the relevant municipality in advance.
- (4) When a prefecture suspends the control under paragraph (1), it must notify the competent minister thereof.
- (5) The provisions of Article 12, Article 16 and the preceding Article apply mutatis mutandis to the control implemented by a prefecture (including a municipality provided for paragraph (2) item (ii)) under paragraph (1).

In this case, "the national government" in Article 16 shall be deemed to be replaced with "prefectures," and "the competent minister and others" in the provisions of paragraphs (1) through (4) of the preceding Article with "prefectural governors".

(Entry into Land and other measures)

Article 17-3 (1) Prefectural governors (including the mayor of the municipality provided for in item (ii) of paragraph (2) of the preceding Article; the same shall apply in the following paragraph) may have employees or persons delegated by them enter other persons' lands or water surfaces to conduct surveys in order to collect information on the living or growth condition of designated invasive alien species, or, on the situation of adverse ecological

impacts due to designated invasive alien species and other information (in the case of the mayor of the relevant municipality, limited to those relating to control under paragraph (1) of the same Article) necessary for determination on the need for control of designated invasive alien species or for implementing the control, to the necessary extent for the survey.

(2) To the necessary extent for control under paragraph (1) of the preceding Article, prefectural governors may have employees enter other persons' lands or water surfaces, engage in capturing, collecting, or killing, or releasing of designated invasive alien species, or, cut down trees and bamboo which interfere with the capturing, collecting, or killing of designated invasive alien species.

(3) The provisions of Article 13, paragraphs (3) through (5), Article 14, and Article 15 apply *mutatis mutandis* to a survey or conduct under the preceding two paragraphs.

In this case, "the official gazette (in the case of the head of the local government provided for Article 11, paragraph (2), item (iv), the bulletin of the local government" in Article 13, paragraph (5) shall be deemed to be replaced with "the prefectural bulletin (in the case of the mayor of the municipality provided for Article 17-2, paragraph (2), item (ii), the bulletin of the municipality" and "in the official gazette" with "in the prefectural bulletin", "the national government" in Article 14, paragraph (1) and Article 15, paragraph (2) with "the prefecture", and "the competent minister and others" in Article 14, paragraphs (2) and (3) with "the prefectural governor".

(Control by municipalities)

Article 17-4 (1) In regards with the control of designated invasive alien species that a municipality implements, which conforms to standards specified by order of the competent ministry with respect to the implementation system and methods of control and other details of control, the municipality may, singly or jointly, as provided for by order of the competent ministry, obtain the confirmation of the competent minister to that effect.

(2) When the competent minister intends to make the confirmation under the preceding paragraph, the minister must notify the governor of the prefecture that encompasses the municipalities pertaining to the confirmation to that effect.

In this case, the prefectural governor may express opinions to the competent minister with regard to the confirmation under the same paragraph within the period specified by order of the competent ministry.

(3) If the competent minister makes the confirmation under paragraph (1), the minister must, without delay, make it public thereof and notify the governor of the prefecture that encompasses the municipality with the confirmation, as

provided for by order of the competent ministry.

The same applies if the minister revokes the confirmation under paragraph (1) pursuant to the provisions of Article 17-6, paragraph (2).

- (4) The provisions of Article 12, Article 16 and Article 17 apply *mutatis mutandis* to control with the confirmation under paragraph (1), that is implemented by municipalities.

In this case, "the national government" in Article 16 shall be deemed to be replaced with "the municipality" and "the competent minister and others" in the provisions of Article 17 paragraphs (1) through (4) with "the mayor of the municipality".

(Entry into Land and other measures)

- Article 17-5 (1) Mayors of municipality may have employees or a persons delegated by them enter other persons' lands or water surfaces to conduct surveys in order to collect information on the living or growth condition of designated invasive alien species, or, on the situation of adverse ecological impacts due to designated invasive alien species and other information necessary for determination on the need for control or for implementing the control with the confirmation under paragraph (1) of the preceding Article.
- (2) To the necessary extent for the control with the confirmation under paragraph (1) of the preceding Article, mayors of municipality may have employees enter other persons' lands or water surfaces, engage in capturing, collecting, or killing, or releasing of designated invasive alien species, or, cut down trees and bamboo which interfere with the capturing, collecting, or killing of designated invasive alien species.
- (3) The provisions of Article 13, paragraphs (3) through (5), Article 14, and Article 15 apply *mutatis mutandis* to a survey or conduct under the preceding two paragraphs.

In this case, "the official gazette (in the case of the head of the local government provided for Article 11, paragraph (2), item (iv), the bulletin of the local government; hereinafter the same applies in this paragraph)" in Article 13, paragraph (5) shall be deemed to be replaced with "the bulletin of the municipality", "in the official gazette" shall be deemed to be replaced with "in the bulletin of the municipality", "the national government" in Article 14, paragraph (1) and Article 15, paragraph (2) shall be deemed to be replaced with "the municipality", and "the competent minister and others" in Article 14, paragraph (2) and (3) with "the mayor of the municipality".

(Suspension of Control)

- Article 17-6 (1) If a municipality that has obtained the confirmation under Article 17-4, paragraph (1) suspends the control or becomes unable to conduct

the control in conformity with the standards specified by order of the competent ministry of the same paragraph, it must notify the competent minister thereof.

- (2) If the competent minister receives a notification under the preceding paragraph, the minister is to revoke the confirmation under Article 17-4, paragraph (1) related to the notification.

Section 4 Control by Non-Governmental entities

Article 18 (1) In regards with the control of designated invasive alien species that a person other than the national government or a local government implements, the person may, as provided for by order of the competent ministry, obtain the certification of the competent minister that the person is capable of performing it properly and reliably and that the control is in conformity with standards specified by order of the competent ministry of Article 17-4, paragraph (1).

- (2) When the competent minister intends to give the certification under the preceding paragraph, the minister must notify the governor of the prefecture concerned to that effect.

In this case, the prefectural governor may express opinions to the competent minister with regard to the certification under the same paragraph within the period specified by order of the competent ministry.

- (3) If the competent minister gives the certification under paragraph (1), the minister, without delay, must make it public and notify the governor of the prefecture concerned, as provided for by order of the competent ministry.

The same applies if the minister revokes the confirmation or certification pursuant to the provisions of Article 20, paragraph (2) or (4).

- (4) The provisions of Article 12 apply *mutatis mutandis* to the control implemented by non-governmental entities with the certification in paragraph (1).

Article 19 The competent minister may request a person that has obtained the certification in paragraph (1) of the preceding Article and that implements the control to submit reports on the status of implementation or on other necessary matters.

Article 20 (1) If entities that has obtained the certification under Article 18, paragraph (2) suspends the control or becomes unable to perform the control in conformity with standards specified by the order of the competent ministry of Article 17-4, paragraph (1), the person must notify the competent minister thereof.

- (2) If the competent minister receives a notification under the preceding paragraph, the minister is to revoke the confirmation under Article 18, paragraph (1) related to the notification.
- (3) If the competent minister finds that, in a control with the certification under Article 18, paragraph (1), the releasing of sterilized designated alien species for the purpose of the control fails to comply with standards specified by the order of the competent ministry made public pursuant to the provisions of Article 17-4, paragraph (1), the minister may order the person engaged in the control to collect relevant designated invasive alien species which has been released and to take other necessary measures.
- (4) If the competent minister finds that the control with certification under Article 18, paragraph (1) is not implemented in conformity with standards specified by the order of the competent ministry made public pursuant to the provisions of Article 17-4, paragraph (1) or, if the relevant competent minister finds that the person, implementing the control, has become unable to carry out the control properly and reliably or if the relevant person failed to submit the report specified by the preceding Article or submitted a false report, the relevant minister may revoke the certification.

Chapter IV Unevaluated Alien Species

(Notification of Import)

Article 21 As provided for by order of the competent ministry, a person that intends to import unevaluated alien species (alien species specified by order of the competent ministry as likely to cause adverse ecological impacts because of their different nature from that of native species, limited to living ones; the same applies hereinafter.) must previously notify the competent minister of the type of the unevaluated alien species and other matters specified by order of the competent ministry.

(Determination)

Article 22 If the competent minister receives a notification under the preceding Article, the minister must determine whether or not the unevaluated alien species in the notification is likely to cause adverse ecological impacts because of their different nature from that of native species, and inform the result to the person that has submitted the notification within six months from the date of the receipt of the notice.

(Restrictions on Import)

Article 23 A person that intends to import unevaluated alien species must not import the unevaluated alien species before receiving the notification under

the preceding Article to the effect that the unevaluated alien species is not likely to cause adverse ecological impacts because of their different nature from that of native species.

(Unevaluated Alien Species relevant to Exporters Abroad)

Article 24 (1) A person that intends to export unevaluated alien species to Japan may previously notify the competent minister of the type of the unevaluated alien species and other matters specified by order of the competent ministry, as provided for by order of the competent ministry.

(2) The provisions of Article 22 apply mutatis mutandis to the notification provided for in the preceding paragraph.

Chapter IV-2 Inspection of Imported Goods

(Inspection of Imported Goods)

Article 24-2 (1) If the competent minister finds that imported goods or their containers or packages (limited to those imported goods prior to obtaining import permission under Article 67 of the Customs Act (Act No. 61 of 1954); hereinafter "imported goods or their containers or packages" in this Article.) have designated invasive alien species or unevaluated alien species attached or contained, the minister may have employees enter the lands or the facilities (including vehicles, vessels, aircrafts and other mobile facilities; hereinafter the same applies in this Article and the following Chapter) where the relevant imported goods or their containers or packages are located, inspect the relevant imported goods or their containers or packages or lands or facilities where the relevant imported goods or their containers or packages are located, question the relevant persons, or, collect the relevant imported goods or their containers or packages within the minimum amount required for inspection without charge.

(2) If organisms suspected of being designated invasive alien species requiring urgent actions are present at, attached onto or contained into the imported goods or their containers or packages or the facilities (limited to mobile facilities) to be subject to the inspection under the preceding paragraph, the competent minister may order a person that owns or manages the imported goods or their containers or packages or the facilities to restrict or prohibit the transfer of the imported goods or their containers or packages or the facilities.

(3) If, the result of the inspection under paragraph (1) or the inspection provided by the competent minister as being equivalent thereto indicates that a designated invasive alien species or unevaluated alien species are present at, attached onto or contained into the imported goods or their containers or packages, or, the lands or the facilities where the relevant imported goods or

their containers or packages are located, the competent minister may disinfect imported goods, their containers or packages or lands or facilities, or dispose imported goods or facilities, or, order a person that owns or manages imported goods or their containers or packages, lands or facilities to disinfect imported goods, their containers or packages or lands or facilities, or to dispose imported goods or facilities.

- (4) The authority under paragraph (1) must not be construed as being granted for the purpose of criminal investigation.

(Delegation Provision)

Article 24-3 (1) Procedures and criteria for orders under paragraph (2) and (3) of the preceding article are provided for by order of the competent ministry.

- (2) If the competent minister intends to provide for the criteria for orders under paragraph (3) of the preceding article, the minister must consult persons with relevant expertise on the nature of the living organisms and persons with relevant expertise on other matters.

(Request for Administrative Review)

Article 24-4 No request for administrative review may be made against an order under Article 24-2, paragraph (2) and (3).

Chapter IV-3 Designated Invasive Alien Species Requiring Urgent Actions

(Inspection for Invasive Alien Species Requiring Urgent Actions)

Article 24-5 (1) If the competent minister finds that it is highly probable that invasive alien species requiring urgent actions are present at, attached onto, or contained into goods or their containers or packages (hereinafter "goods or their containers or packages" in this chapter), or, land or facilities, the minister may, to the extent deemed necessary for the confirmation, have employees enter the relevant lands or facilities, inspect the relevant goods or their containers or packages or lands or facilities, question the relevant persons, or, collect the relevant goods or their containers or packages within the minimum amount required for inspection without charge.

- (2) If organisms suspected of being designated invasive alien species requiring urgent actions are present at, attached onto or contained into the goods or their containers or packages or the facilities (limited to mobile facilities) to be subject to the inspection under the preceding paragraph, the competent minister may order a person that owns or manages the goods or their containers or packages or the facilities to restrict or prohibit the transfer of the goods or their containers or packages or the facilities.
- (3) If, the result of the inspection under paragraph (1) or the inspection provided

by the competent minister as being equivalent thereto indicates that a designated invasive alien species requiring urgent actions are present at, attached onto or contained into the goods or their containers or packages, the lands or the facilities, the competent minister may disinfect goods, their containers or packages, lands or facilities, or dispose goods or facilities, or, order a person that owns or manages goods or their containers or packages, lands or facilities to disinfect goods, their containers or packages, lands or facilities, or to dispose goods or facilities.

- (4) The provisions of Article 24-2, paragraph (4) applies mutatis mutandis to the authority under paragraph (1), the provisions of Article 24-3, paragraph (1) and the preceding article apply mutatis mutandis to the order under the preceding two paragraphs, and the provisions of Article 24-3, paragraph (2) apply mutatis mutandis to the criteria for orders under the preceding paragraph.

(Collection of Reports)

Article 24-6 If the competent minister finds it necessary so as to prevent adverse ecological impacts due to designated invasive alien species requiring urgent actions, the minister may request a person that owns or manages goods or their containers or packages, lands or facilities that designated invasive alien species requiring urgent actions are likely to be present at, attached onto or contained into, or, a business entities that handled goods or their containers or packages at places of transit of the goods or their containers or packages to submit reports on matters concerning organisms suspected of being designated invasive alien species requiring urgent actions that are present at, attached onto, or contained into the goods or their containers or packages, the lands or the facilities, or on other necessary matters.

(Guideline for Actions)

Article 24-7 (1) The competent minister and the Minister of Land, Infrastructure, Transport and Tourism are to specify the guideline (hereinafter "the guideline for actions" in this Article) concerning measures for the following persons (hereinafter "the subject business entities") to be taken to prevent adverse ecological impacts due to designated invasive alien species requiring urgent actions due to importing, transporting, or storing of goods (in paragraph (5), "importing etc. of goods") that designated invasive alien species requiring urgent actions may be attached onto or contained into.

- (i) business entities that own or manage the port or airfield from which the relevant goods were imported;
- (ii) business entities that own or manage the relevant goods or their containers or packages;

- (iii) business entities that owns or manage lands or facilities that are places of transit or arrival of the relevant goods or their containers or packages.
- (2) The guideline of actions is to specify the following matters:
 - (i) matters concerning the prompt discovery of designated invasive alien species requiring urgent and measures to prevent the dispersal of them when discovered (excluding the matters in the following item);
 - (ii) matters concerning measures to be taken by business entities (excluding business entities entrusted with the transporting or storing of the relevant goods or their containers or packages) that own or manage goods or their containers or packages that designated invasive alien species requiring urgent actions are likely to be attached onto or contained into;
 - (iii) other matters concerning measures to be taken to prevent adverse ecological impacts due to designated invasive alien species requiring urgent actions.
- (3) If the competent minister and the Minister of Land, Infrastructure, Transport and Tourism intend to specify or change in the guideline for actions, they must consult with the Minister of Economy, Trade and Industry and the heads of other relevant administrative organs for the part pertaining to item (ii) of the preceding paragraph in advance.
- (4) When the competent minister and the Minister of Land, Infrastructure, Transport and Tourism specify or change in the guideline for actions, they must make them public without delay.
- (5) If the competent minister and the Minister of Land, Infrastructure, Transport and Tourism find it particularly necessary so as to prevent adverse ecological impacts due to designated invasive alien species requiring urgent actions due to importing etc. of goods, they may request reports from, or, guide or advice to the subject businesses entities with regard to matters specified by the guideline for actions.
- (6) If the competent minister and the Minister of Land, Infrastructure, Transport and Tourism find that the subject business entities have not implemented the matters specified by the guideline for actions in the case where they have given guidance or advice of the preceding paragraph, they may recommend that the subject business entities implement the matters specified by the guideline for actions.
- (7) If the subject business entities that have received a recommendation under the preceding paragraph fails to take measures pertaining to the recommendation without just cause, the competent minister and the Minister of Land, Infrastructure, Transport and Tourism may order the subject business entities to take measures pertaining to the recommendation, fixing the due date.

(Attachment of a Certificate for Import)

Article 25 (1) Other organisms (limited to living ones) than those specified by order of the competent ministry for being easily identified as not falling under designated invasive alien species nor unevaluated alien species must not be imported unless a certificate issued by a foreign government agency proving the types of the relevant organisms or other certificates provided for by order of the competent ministry are attached.

(2) An organism requiring the attachment of a certificate in the preceding paragraph must not be imported through any other place than ports or airports specified by order of the competent ministry.

Chapter V Miscellaneous Provisions

(Employee Engaging in Regulation)

Article 26 (1) The competent minister may have employees that meet requirements provided for by Cabinet Order exercise part of the powers under Article 9-3, paragraph (1), or Article 10, paragraph (1) or (2), or Article 24-2, paragraphs (1) through (3) and Article 24-5, paragraphs (1) through (3) or Article 24-6.

(2) Employees who exercise part of the powers of the competent minister pursuant to the provisions of the preceding paragraph (in the next paragraph, "agent of regulation for designated invasive alien species' adverse effects prevention") must carry certification and present it to relevant persons when the powers are to be exercised.

(3) Beyond what is provided for in the preceding two paragraphs, matters necessary in relation to agents of regulation for designated invasive alien species' adverse effects prevention are provided for by Cabinet Order.

(Measures to enrich Scientific Knowledge)

Article 27 To enrich scientific knowledge of adverse ecological impacts caused by alien species and the prevention thereof, the government is to collect, arrange and analyze information, and, to promote study and take other necessary measures relevant to the knowledge.

(Promotion of International Cooperation)

Article 27-2 The government is to endeavor to promote international cooperation in the prevention of adverse ecological impacts caused by invasive alien species, including the securing of international coordination concerning the prevention of adverse ecological impacts caused by invasive alien species.

(Improvement of Public Knowledge and Understanding)

- Article 28 (1) The government is to take necessary measures to deepen public knowledge and understanding on alien species through measures such as educational activities and public relation activities.
- (2) Local governments are to endeavor to promote measures necessary to deepen public knowledge and understanding on alien species, in concert with the measures of the government in the preceding paragraph.

(Cooperation of Relevant Administrative Organs)

Article 28-2 If the competent minister finds it necessary to achieve the purpose of this Act, the minister may request the heads of relevant administrative organs or the heads of relevant local governments to provide necessary materials or information, state their opinions, or provide other cooperation.

(The Competent Ministers)

- Article 29 (1) The competent minister in this Act is the Minister of the Environment ; provided, however, that with regard to matters related to prevention of adverse effects on agriculture, forestry and fisheries, the competent ministers are the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries.
- (2) Order of the competent ministry in this Act is an order issued by the competent minister.

(Delegation of Authority)

Article 29-2 The authority of the competent minister under this act may be delegated to the head of local branch bureaus and departments as provided for by order of the competent ministry.

(Transitional Measures)

Article 30 When establishing, amending or abolishing an order under the provisions of this Act, transitional measures (including transitional measures on penal provisions) may be stipulated by the order to the extent deemed reasonably necessary for the establishment, amendment or abolition thereof.

(Delegation to the Order of Competent Ministry)

Article 31 Other than those provided in this Act, procedures for the implementation of this Act and other matters necessary for the enforcement of this Act are provided for by order of the competent ministry.

Chapter VI Penal Provisions

Article 32 In the case in which any of the following items is applicable, the

person who has committed the violation is punished by imprisonment for any period not more than three years or a fine not exceeding three million yen, or both.

- (i) when designated invasive alien species have been risen for the purpose of sale or distribution in violation of the provisions of Article 4;
- (ii) when the permission under Article 5, paragraph (1) or Article 9-2, paragraph (1) has been obtained by deceit or other wrongful means;
- (iii) when the provisions of Article 7 or Article 9 have been violated;
- (iv) when designated invasive alien species have been sold or distributed in violation of the provisions of Article 8;
- (v) when an order under Article 9-3, paragraph (1) or Article 24-2, paragraph (3), or Article 24-5, paragraph (3) has been violated.

Article 33 In the case in which any of the following items is applicable, the person who has committed the violation is punished by imprisonment for a period no longer than one year or a fine not exceeding one million yen, or both.

- (i) when the provisions of Article 4 or Article 8 (excluding when it falls under item (i) or item (iv) of the preceding Article) have been violated;
- (ii) When a designated invasive alien species has been raised in violation of the conditions attached pursuant to the provisions of Article 5, paragraph (4);
- (iii) when the releasing of designated invasive alien species have been engaged in violation of the conditions attached pursuant to the provisions of Article 5, paragraph (4) as applied mutatis mutandis pursuant to Article 9-2, paragraph (6);
- (iv) when an order under Article 20, paragraph (3), Article 24-2, paragraph (2) or Article 24-5, paragraph (2) has been violated;
- (v) when the provisions of Article 23 have been violated.

Article 33-2 When an order under Article 24-7, paragraph (7) have been violated, the person who has committed the violation is punished by a fine not exceeding one million yen.

Article 34 When the provisions of Article 25, paragraph (1) or (2) have been violated, the person who has committed the violation is punished by a fine not exceeding five hundred thousand yen.

Article 35 In the case in which any of the following items is applicable, the person who has committed the violation is punished by a fine not exceeding three hundred thousand yen:

- (i) when reports under Article 10, paragraph (1), Article 24-6 or Article 24-7, paragraph (5) have been not to made, or false reports have been made;

- (ii) when on-site inspection under Article 10, paragraph (2) has been refused, interfered or evaded, or no statement or false statement has been given in reply to questions asked at on-site inspection;
- (iii) When on-site inspection or collection under Article 24-2, paragraph (1) or Article 24-5, paragraph (1) has been refused, interfered or evaded or no statement or false statement has been given in reply to questions.

Article 36 When a representative of a corporation or an agent, an employee or any other worker of a corporation or an individual commits a violation set forth in Article 32 to the preceding Article with regard to the business of the corporation or individual, not only the individual offender but also the corporation is subject to a fine prescribed in the following items and the individual is subject to the fine referred to in the relevant Articles.

- (i) Article 32: a fine not exceeding one hundred million yen;
- (ii) Article 33: a fine not exceeding fifty million yen;
- (iii) preceding three Articles: the fine prescribed in the respective Articles.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the date (Cabinet Order No. 168 of June 1, 2005) provided by Cabinet Order within a period not exceeding one year from the date of promulgation (June 2, 2004); provided, however, that the provisions of the Article 4 of supplementary provisions come into effect as of the date of promulgation.

(Transitional Measures)

Article 2 (1) Even before this Act comes into effect, the competent minister may prepare a basic policy for preventing adverse ecological impacts caused by designated invasive alien species in accordance with the provisions of Article 3, paragraph (1) and paragraph (2) and ask for a cabinet decision.

(2) If a cabinet decision on the basic policy in the preceding paragraph is made, the competent minister must make it public without delay.

(3) The basic policy provided for pursuant to the provisions of paragraph (1) is deemed to be the basic policy provided for pursuant to the provisions of Article 3, paragraph (1) and paragraph (2) on the date this Act comes into effect.

(Delegation to Cabinet Order)

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

(Review)

Article 4 After five years have passed since this Act has come into effect, the government is to review the state of enforcement of this Act and, if the government finds it necessary, take the required measures based on the results thereof.

(Special Provisions on Handling of Designated Invasive Alien Species)

Article 5 (1) In regards with the alien species that becomes designated invasive alien species by enacting or amending of Cabinet Order under Article 2, paragraph (1), in view of the living or growth condition, condition of raise and others, if it is found that the application of the provisions of Article 4 and Articles 7 through 9 is likely to hinder the prevention of adverse ecological impacts caused by the relevant designated invasive alien species, until otherwise provided for by law, these provisions may not be applied, in whole or in part, to the relevant designated invasive alien species, with conditions necessary for the prevention of adverse ecological impacts caused by designated invasive alien species, by fixing a type for each the relevant provision by Cabinet Order.

(2) The provisions of Article 2, paragraph (4) applies mutatis mutandis to the making a plan of enacting, amending or abolishing a Cabinet Order under the provisions of the preceding paragraph.