

Regulations for Import Trade Control (Tentative translation)

(Order of the Ministry of International Trade and Industry No. 77 of December 29, 1949)

Regulations for the Control of Import Trade and Trade-Related Payment are established as follows for the purpose of implementing the provisions of the Foreign Exchange and Foreign Trade Control Act (Act No. 228 of 1949) and the Order for the Control of Import Trade and External Payment (Cabinet Order No. 414 of 1949).

(Manner of Announcement)

Article 1 Announcements by the Minister of Economy, Trade and Industry as prescribed in the provisions of Article 3, paragraph (1) of the Import Trade Control Order (referred to below as the "Order") are made by publication in the Official Gazette, Trade and Industry, and Trade publicity.

(Procedures for Applying for Approval)

Article 2 (1) A person stated in the following items that intends to import goods must submit a written application following the form stated in the corresponding item to the Minister of Economy, Trade and Industry (to the director-general of customs in the cases stated in item (i), (d) and item (ii) concerning an extension in relation to the provisions of Article 18, item (ii) of the Order):

(i) a person stated in (a) through (d) below that intends to obtain approval for imports: the respective written application stated in (a) through (d):

(a) a person that intends to obtain approval for imports stated in the provisions of Article 4, paragraph (1) of the Order: two sets of the written application for import following the form prescribed in Appended Table 1;

(b) a person that intends to obtain an import quota pursuant to the provisions of Article 9, paragraph (1) of the Order and to submit an application specified in (a): two sets of the written application for import following the form prescribed in Appended Table 1 and the import quota certificate specified in item (iii) of the following paragraph (provided, however, that when seeking to obtain import approval for a part of the quota quantity (in the case provided in the proviso of Article 9, paragraph (2) of the Order, the quota amount; the same applies below) (if there is a part of the quota quantity that has not been approved for import, excluding the case where the intention is to obtain import approval for all of that

- part), the import quota certificate is to be presented and a copy is to be submitted);
- (c) a person that intends to obtain the import quota pursuant to the provisions of Article 9, paragraph (1) of the Order and obtain import approval under pursuant to the provisions of Article 4, paragraph (1) of the Order in accordance with the quota (excluding approval for import of goods prescribed in a public notice of the Minister of Economy, Trade and Industry): two sets of the written application for import and quota following the form prescribed in Appended Table 1; or
 - (d) a person that intends to import goods provided in the provisions of Article 5: Two sets of the written application for import following the form prescribed in Appended Table 1 (a person that intends to apply for an import quota stated in the provisions of Article 9, paragraph (1) of the Order must attach the import quota certificate stated in item (iii) of the following paragraph (provided, however, when seeking to obtain import approval for a part of the quota quantity (if there is a part of the quota quantity that has not been approved for import, excluding the case in which the person seeks to obtain import approval for all of that part), the import quota certificate is to be presented and its copy is to be submitted));
 - (ii) a person that intends to extend the validity period pursuant to the provisions of Article 5, paragraph (2) of the Order: the import approval certificate and a statement indicating the reasons for the extension;
 - (iii) a person that intends to obtain an import quota pursuant to the provisions of Article 9, paragraph (1) of the Order: three sets of the written application for import quota following the form prescribed in Appended Table 1 (in cases otherwise prescribed by the Minister of Economy, Trade and Industry, two sets); or
 - (iv) a person that intends to obtain confirmation pursuant to the provisions of the proviso in Article 9, paragraph (1) of the Order: a statement indicating the reasons in three sets of the written application for import approval following the form prescribed in Appended Table 1, a document certifying acquisition of the entrustment, the import quota certificate relating to the entrustment, and one set of their copies.
- (2) In the cases stated in the following items, the Minister of Economy, Trade and Industry (in those stated in item (i)(d) and item (ii) of the preceding paragraph, regarding the extensions relating to the provisions of Article 18, item (ii) of the Order, the director-general of customs) is to deliver the documents stated in the respective item to the applicant:
- (i) when approval is granted concerning the applications stated in (a) and (b) below:
 - (a) when approval is granted concerning an application stated in item (i), (a),

- (b), and (d) of the preceding paragraph, one copy of the application form as an import approval certificate; or
 - (b) when a quota and approval are granted for an application stated in item (i), (c) of the preceding paragraph, one copy of the application form as an import quota certificate and import approval certificate.
 - (ii) when an extension is granted concerning an application stated in item (ii) of the preceding paragraph: the import approval certificate indicating that an extension was granted;
 - (iii) when a quota is made concerning an application stated in item (iii) of the preceding paragraph: one set of application forms as the import quota certificate; or
 - (iv) when confirmation is made concerning an application stated in item (iv) of the preceding paragraph: two sets of application forms as the entrusted import confirmation certificate.
- (3) If a person that obtained import approval under the provisions of Article 4, paragraph (1) of the Order no longer needs the import approval certificate or if the import of goods is not performed by the expiration date of the validity period, the Minister of Economy, Trade and Industry may require the person to submit the relevant import approval certificate.
- (4) The import quota certificate stated in paragraph (2), item (iii) will cease to be effective if an import approval application is not submitted pursuant to paragraph (1), item (i), (b), or (d) or the matters to be specified in the import approval application form pursuant to paragraph (1), item (i), (b) of the following Article are not input through an input-output device (limited to devices used in relation to an application listed in the items of paragraph (1) of the following Article that conform to the standards as publicly notified by the Minister of Economy, Trade and Industry; referred to below as the "specified input-output device"), with regard to the goods for which the certificate was issued, within four months from the day of issuance of the certificate (if the Minister of Economy, Trade and Industry specifies a different period, then that period); provided, however, that this does not apply when the Minister of Economy, Trade and Industry finds it to be particularly necessary and extends the period.
- (5) If a person that has been issued an import quota certificate stated in paragraph (2), item (iii) no longer wishes to import all or some of the goods for which the certificate was issued, without delay, the person must state on the import quota certificate the quantity of the quota that is no longer wanted and return the certificate to the Minister of Economy, Trade and Industry.

(Procedures for Applying for Approval Using Electronic Data Processing System)

Article 2-2 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, when filing an application using an electronic data processing system (which means an electronic data processing system provided in Article 2, item (I) of the Act on the Utilization of Electronic Data Processing System for the Processing and Other Handling of Import- and Export-Related Business (Act No. 54 of 1977) that is deemed to be the relevant electronic data processing system pursuant to the provisions of Article 3, paragraph (1) of the Act; the same applies in the following Article) as prescribed in Article 6, paragraph (1) of the Act on the Promotion of Information and Communications Technology in Administrative Procedures (Act No. 151 of 2002), a person listed in any of the following items must input the matters to be specified in an application form stated in the respective item through a specified input-output device used by an applicant stated in the respective item:

- (i) a person that intends to obtain import approval listed in (a) through (c) below (excluding approval for the import of goods provided in Article 5): the respective matters stated in (a) through (c):
 - (a) a person that intends to obtain import approval under the provisions of Article 4, paragraph (1), item (ii) of the Order (excluding approval relating to import of goods for which all regions of a country are designated as the country (region) of origin or place of shipment): matters to be specified in the import approval application form available from files on computers used by Nippon Automated Cargo and Port Consolidated System, Inc. (including input-output devices; referred to below as "special-purpose computer");
 - (b) a person that intends to obtain import approval pursuant to the provisions of Article 4, paragraph (1), item (ii) of the Order (limited to approval relating to import of goods for which all regions of a country are designated as the place of origin or place of shipment) and intends to obtain an import quota pursuant to the provisions of Article 9, paragraph (1) of the Order and obtain approval pursuant to the provisions of Article 4, paragraph (1) of the Order: matters to be specified in the import approval application form available from files on a special-purpose computer; or
 - (c) a person that intends to obtain an import quota under the provisions of Article 9, paragraph (1) of the Order and obtain import approval under the provisions of Article 4, paragraph (1) of the Order in accordance with the quota (excluding approval for import of goods prescribed in a public notice of the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (1), item (1), (c) of the preceding Article): matters to be specified in the import approval and quota application form available from files on a special-purpose computer;
- (ii) a person that intends to extend the validity period pursuant to the

- provisions of Article 5, paragraph (2) of the Order (excluding extensions pursuant to the provisions of Article 18, item (ii) of the Order): matters to be specified in an application form for correction of import approval available from a file stored on a special-purpose computer;
- (iii) a person that intends to obtain an import quota pursuant to the provisions of Article 9, paragraph (1) of the Order: matters to be specified in the import quota application form available from a file stored on a special-purpose computer; or
- (iv) a person that intends to obtain confirmation pursuant to the provisions of the proviso of Article 9, paragraph (1) of the Order: matters to be specified in an import approval application form available from a file stored on a special-purpose computer.
- (2) In filing an application stated in item (iv) of the preceding paragraph, the reasons or documents specifying the reasons and information confirming the entrustment or documents evidencing those facts must be input through a specified input-output device and recorded in a file stored on a special-purpose computer or submitted to the Minister of Economy, Trade and Industry.
- (3) When a person that filed an application as prescribed in paragraph (1), item (iv) has input information in accordance with the preceding paragraph, to the extent necessary, the Minister of Economy, Trade and Industry may have the applicant submit a document supporting the facts related to the information during the period ranging from the date on which the applicant filed the application to the date on which the applicant is notified either in the affirmative or negative of the result of the application.
- (4) Having given the approval, quota, or confirmation for which a person applied as referred to in each item of paragraph (1), the Minister of Economy, Trade and Industry is to record the matters to be specified in an import approval certificate or import quota certificate following the form prescribed in Appended Table 2 in a file stored on a special-purpose computer.
- (5) Notwithstanding the provisions of the preceding paragraph, having granted the approval, quota, or confirmation for which an applicant has applied as referred to in the item of paragraph (1), the Minister of Economy, Trade and Industry is to make a notation indicating this in an import approval certificate or import quota certificate following the form prescribed in Appended Table 2 and deliver it to the applicant, if the applicant so requests.
- (6) A quota for an application stated in paragraph (1), item (iii) ceases to be effective if the matters to be specified in the import approval application form pursuant to paragraph (1), item (i), (b) are not input through a specified input-output device or an import approval application is not submitted pursuant to paragraph (1), item (i), (b) or (d) of the preceding Article concerning the goods for which the certificate was issued, within four months from the day of

recordation or the day of issuance of the certificate (if the Minister of Economy, Trade and Industry specifies a different period, then that period); provided, however, that this does not apply when the Minister of Economy, Trade and Industry finds it to be particularly necessary and extends the period.

- (7) If a person that has been issued an import quota certificate stated in paragraph (1), item (iii) no longer wishes to import all or some of the goods for which the record was made, without delay, the person must make a statement to that effect and specify in writing the quantity of the quota that is no longer wanted and submit the document to the Minister of Economy, Trade and Industry.

(Applicant's Notification)

Article 2-3 (1) An applicant that inputs information as provided in paragraph (1) of the preceding Article must be a person that has made a notification in advance by submitting an applicant notification following the form prescribed in Appended Table 3 and a document supporting the relevant facts.

- (2) When there are any changes to the matters notified or when the applicant plans to stop using an electronic data processing system (which means an electronic data processing system connecting a special-purpose computer and a specified input-output device through a telecommunication line; the same applies in the following paragraph), the applicant that made a notification in accordance with the preceding paragraph must make a statement to that effect in an applicant notification form following the form prescribed in Appended Table 3 and promptly notify the Minister of Economy, Trade and Industry.

- (3) When deeming it inappropriate for a person that has made a notification in accordance with paragraph (1) to continue to use an electronic data processing system, the Minister of Economy, Trade and Industry may suspend the person's use of the electronic data processing system.

- (4) A notification submitted pursuant to the provisions of Article 1-3, paragraph (1) of the Regulations for Export Trade Control (Order of the Ministry of International Trade and Industry No. 64 of 1949) or a notification submitted pursuant to the provisions of Article 1-3, paragraph (1) of the Ministerial Order on Invisible Trade Connected with Visible Trade (Order of the Ministry of International Trade and Industry No. 8 of 1998) is deemed to be a notification submitted pursuant to the provisions of paragraph (1).

(Procedures for Applying for Special Approval)

Article 2-4 Notwithstanding the provisions of this Ministerial Order, when deeming it necessary, the Minister of Economy, Trade and Industry may provide a special procedure for the procedures stated in the following items:

- (i) a procedure for obtaining approval from the Minister of Economy, Trade and

- Industry under the provisions of Article 4, paragraph (1) of the Order;
- (ii) a procedure for obtaining a quota from the Minister of Economy, Trade and Industry under the provisions of Article 9, paragraph (1) of the Order; or
 - (iii) a procedure for making a notification to the Minister of Economy, Trade and Industry under the provisions of Article 2-3.

Article 3 Imports conducted pursuant to the Order of the Ministry of Economy, Trade and Industry stated in Article 4, paragraph (3) of the Order are to comply with the following:

- (i) that imports are conducted within one year from the day that approval is obtained under the provisions of Article 2, paragraph (1), item (ii) of the Cabinet Order on Export Trade Control (Cabinet Order No. 378 of 1949) for the export of goods under the relevant contract for processing deal trade; and
- (ii) that the imported goods are not articles designated by the Minister of Economy, Trade and Industry or articles from a place of shipment designated by the Minister of Economy, Trade and Industry.

(Information from Customs to the Minister of Economy, Trade and Industry)

Article 4 In accordance with the provisions of Article 15, paragraph (2) of the Order, Customs is to promptly provide notice to the Minister of Economy, Trade and Industry of the matters specified in the following items regarding goods stated in a public notice of the Minister of Economy, Trade and Industry; provided, however, that if the Minister of Economy, Trade and Industry deems notice of the matters stated in the following items to be unnecessary, notice of the items deemed to be unnecessary may be omitted:

- (i) name and address of the importer of the goods;
- (ii) name of the shipper of the goods;
- (iii) place of origin and the place of shipment of the goods;
- (iv) name or registration number of the ship or airplane on which the goods were loaded;
- (v) name, quantity and price of the goods;
- (vi) any terms and conditions of the contract which may affect determination of the price stated in the preceding item;
- (vii) type of currency representing the charges for the goods; and
- (viii) in addition to the matters listed in the preceding items, matters publicized by the Minister of Economy, Trade and Industry.

(Delegation of Authority)

Article 5 The scope of goods provided in Article 18, paragraph (1) of the Order is to be goods that are free of charge and within the scope prescribed by the Minister of Economy, Trade and Industry.

(Notice of Sanctions for Violation of Laws and Regulations)

Article 6 When having made dispositions under Article 53, paragraph (2) of the Act, the Minister of Economy, Trade and Industry is to notify Customs to that effect without delay.