

Order on the Manufacture and Distribution in Commerce of Mercury-using Product Not Covered by Any Known Use (Tentative translation)

(Order of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Ministry of the Environment No. 2 of December 7, 2015)

Under the provisions of Article 13 and Article 14, paragraphs (1) and (2) of the Act on Preventing Environmental Pollution of Mercury (Act No. 42 of 2015), this Order provides the manufacture and distribution in commerce of mercury-using product not covered by any known use as follows.

(Terms)

Article 1 The terms in this Order shall follow examples of the terms used in the Act on Preventing Environmental Pollution of Mercury (hereinafter referred to as "the Act").

(Mercury-using Products Used for Existing Purposes)

Article 2 The products provided by order of the competent ministry referred to in Article 13 of the Act are the following:

- (i) mercury-using products listed in the left column of the appended table, which are used for the purposes listed in the right column of that table;
- (ii) mercury-using products manufactured by using the mercury-using products listed in items (1) through (51) in the left column of the appended table, as materials or components for the respective purposes listed in the right column of that table;
- (iii) mercury-using products listed in items (1) through (51) in the left column of the appended table or formulation of mercury or mercury compounds, used for calibration, testing, research or analysis; and
- (iv) apart from the above three items, mercury-using products manufactured or imported prior to the date of enforcement of the Act and possess historical or artistic value thus intended for sale for display, appreciation, study, research, and other purposes.

(Evaluation Methods for Manufacture or Distribution in Commerce of mercury-using product not covered by any known use)

Article 3 Methods provided by order of the competent ministry referred to in Article 14, paragraph (1) of the Act are the following, for the following mercury-using product not covered by any known use:

(i) mercury-using product not covered by any known use, excluding those listed in the following the following methods:

(a) obtain the following information necessary for the evaluation under Article 14, paragraph (1) of the Act (hereinafter referred to as "Self-evaluation");

1. the structure, use and other related information of said mercury-using product not covered by any known use;
2. the quantity of estimated emissions of mercury or mercury compounds into the environment, from the manufacture, use, disposal or other process of that mercury-using product not covered by any known use;
3. impacts of that mercury-using product not covered by any known use on the protection of human health or the conservation of the living environment;

(b) based on the information pursuant to the provisions of item (i), (a), conduct objective and scientific evaluations, select appropriate evaluation items (hereinafter referred to as "Evaluation Items") and clarify the reasons of such selections, regarding the contribution and the adverse impacts (hereinafter referred to as "Contribution and Impacts") on the protection of human health and the living environment, from the use of said mercury-using product not covered by any known use;

(c) conduct a comprehensive evaluation on whether the use of mercury-using product not covered by any known use contributes to the protection of human health and the living environment, by establishing multiple proposals on the performance or the quantity of manufacture or distribution in commerce of that mercury-using product not covered by any known use, or the quantity of mercury or mercury compounds used in products (hereinafter referred to as "Multiple Proposals"), by comparing the degree of Contribution and Impacts, examining, analyzing, organizing, and intercomparing the degree of Contribution and Impacts of each of Multiple Proposals;

(d) when it is possible to examine proposals including those prohibiting the use of mercury or mercury compounds as well as the manufacture or distribution in commerce of mercury-using product not covered by any known use, efforts shall be made to include these proposals when establishing Multiple Proposals referred to in item (i), (c), and the reasons shall be clarified when said proposals are not included;

(e) when measures are taken to avoid or lessen adverse impacts on human health and the living environment pertaining to the Evaluation Items as

much as possible, consider the effects of said measures in the comprehensive evaluation process pursuant to the provisions of item (i), (c); and

- (f) perform a quantitative study and analysis as much as possible, through calculations based on theories, quoting or analyzing cases, and other relevant means for Self-evaluation, and obtain advice as necessary from experts and other persons with specific knowledge pertaining to the Contribution and Impacts of said mercury-using product not covered by any known use.
- (ii) mercury-using product not covered by any known use, where notification is made under Article 14, paragraph (2) of the Act, and the competent minister designates that their use contributes to the protection of human health and the living environment: conduct evaluation on whether the manufacture or distribution in commerce of said mercury-using product not covered by any known use is within the scope of the quantity and other designated conditions by the competent minister for the manufacture and distribution in commerce of these products.

(Notifications on Evaluations Relating to the Manufacture or Distribution in Commerce of mercury-using product not covered by any known use)

- Article 4 (1) A person intending to conduct evaluations under Article 14, paragraph (1) of the Act and provide notifications under Article 14, paragraph (2) of the Act, must submit a written form using the appended form to the competent minister, pertaining to said notification, 45 days prior to the date of business commencement on the manufacture or distribution in commerce of mercury-using product not covered by any known use.
- (2) In the case of a juridical person, the articles of incorporation and a certificate of registered information of said juridical person must be attached with the notification referred to in the preceding paragraph.

(Notification Matters)

Article 5 The matters provided by Ordinance of the competent ministry referred to in Article 14, paragraph (2) of the Act shall be the following:

- (i) the name, address, and, in the case of a juridical person, the name of the representative;
- (ii) the types and intended uses of mercury-using product not covered by any known use, of which their manufacture or distribution in commerce is intended for business;
- (iii) the names and models of the mercury-using product not covered by any known use of which their manufacture or distribution in commerce is intended for business;

- (iv) the quantity of mercury or mercury compounds per unit of mercury-using product not covered by any known use, of which their manufacture or distribution in commerce is intended for business, and the quantity of their manufacture or distribution in commerce within a certain period;
- (v) the structure, usage and other related information of mercury-using product not covered by any known use, of which their manufacture or distribution in commerce is intended for business;
- (vi) the results of Self-evaluation; and
- (vii) the methods used for the study and analysis of the Self-evaluation.

Supplementary Provisions

This order comes into effect on the date in which the Act comes into effect

Supplementary Provisions

This order comes into effect on the date of promulgation.

Supplementary Provisions

This order comes into effect on the date of promulgation, applied from August 16, 2017.

Supplementary Provisions

The Order comes into effect on the date of promulgation. However, the section that renames the Japanese Industrial Standards from Nihon Kōgyō Kikaku to Nihon Sangyō Kikaku comes into effect on the data in which the Act Partially Amending the Japanese Unfair Competition Prevention Act and Other Related Laws comes into effect (July 1, 2019).

Supplementary Provisions

(Date of enforcement)

Article 1 The Order comes into effect from the date of promulgation.

(Transitional Measures)

Article 2 (1) A document that is used in accordance with the format prior to amendment by this Order (referred to as the "former format" in the following paragraph) and that exists at the time of enforcement of this Order is deemed to be a document in accordance with the format as amended by this Order.

- (2) A form following the former format that existed prior to the enforcement of this Order may be used by making amendments to the relevant sections of the form until otherwise provided for by law.

Supplementary Provisions

This order comes into effect on the date of promulgation, and the Order on the Manufacture and Distribution in Commerce of Mercury-using product not covered by any known use after the amendment by this Order apply from August 16, 2017.

Mercury using Product	Use
1. Primary battery (limited to: alkaline button battery, mercury battery, zinc-air battery, button zinc silver oxide, manganese dry-cell battery, and alkaline dry-cell battery)	Power source for small electronics and other devices
2. Standard cell	Standard for electromotive force measurements
3. Switch/relay	1. Switching signals in electronic circuits
	2. Detecting electrical currents
	3. Sensing temperatures
	4. Sensing inclinations, vibrations, and shocks
4. Fluorescent lamp (including cold cathode fluorescent lamp- CCFL, and external electrode fluorescent lamp- EEFL. The same applies hereinafter.)	1. Ensuring illumination
	2. Creating visual effects or demonstrating the colors/emphasizing the true colors of arts, crafts and other goods, in their display, filming, and staging
	3. Displaying figures, letters, and graphics in electronic devices
	4. Scanning documents and graphics
	5. Signal transduction
	6. Appraisalment, detection, screening, or conducting measurements
	7. Photosensitization
	8. Producing fluorescence
	9. Fostering growth of living organisms
	10. Harvesting, capturing, or controlling organisms
	11. Producing suntan
	12. Sterilization
5. High-intensity discharge (HID)	1. Ensuring illumination

lamp	2. Stage and other production
	3. Creating visual effects or demonstrating/emphasizing the true colors of arts, crafts and other goods, through their display, filming and staging
	4. Screening figures, letters, and graphics on the projector
	5. Signal transduction
	6. Appraisalment, detection, screening, or measurements
	7. Exposure to light
	8. Producing fluorescence
	9. Fostering growth of living organisms
	10. Capturing, harvesting, or controlling organisms
	11. Producing suntan
	12. Sterilization
6. Discharge lamp (excluding fluorescent lamps and HID lamps)	1. Signal transduction
	2. Appraisalment, detection, screening, or measurements
	3. Photosensitization
	4. Fostering growth of living organisms
	5. Sterilization
7. Cosmetic products	Applying, spreading, or using other similar means for the purpose of cleansing people's bodies, enhancing beauty and attractiveness, changing appearance, or maintaining healthy skin and hair
8. Agricultural chemicals	Controlling viruses, bacteria, nematodes, termites, insects, mice, or other animals/plants that harm agricultural products (including trees and farm/forest products)
9. Pesticide, biocide, topical antiseptics (excluding pharmaceutical products and agricultural chemicals)	Controlling animals, plants or viruses
10. Barometer	Measuring atmospheric pressure
11. Hygrometer	Measuring the moisture content of gas
12. Liquid manometer	Measuring the gauge pressure of gas
13. Elastic manometer (limited to diaphragm type)	Measuring the gauge pressure of liquids
14. Pressure transmitter (limited to diaphragm type)	Measuring the gauge pressure of liquids

15. Vacuum gauge	Measuring the absolute pressure of gas
16. Glass thermometer	Measuring temperature of gas, liquids, or solids
17. Mercury-filled pressure thermometer	Measuring temperature of gas or liquids
18. Mercury clinical thermometer	Measuring body temperature
19. Mercury sphygmomanometer	Measuring blood pressure
20. Temperature fixed-point cell	Achieving fixed point temperature
21. Rubber	Fixing small home appliances
22. Pigment	Coloring items
23. Perfume	Providing scents in cosmetic products
24. Detonator	Explosion
25. Firework	Entertainment
26. Paint	1. Coloring, polishing, or coating
	2. Preventing the adhesion of shellfish, algae, and other aquatic organisms
	3. Measuring or monitoring the surface temperature of items
27. Daguerreotype	Entertainment
28. Mercury alloy pellets and powder	Enclosing mercury inside fluorescent lamps (including CCFL and EEFL), HID lamps, and discharge lamps (excluding fluorescent lamps and HID lamps).
29. Boiler (limited to those used in a two phase fluid cycle)	Generating steam
30. Rotating lens assembly of a lighthouse	Floating lens
31. Diffusion pump	Reducing pressure and maintaining such state
32. Pressure relief device	Reducing pressure
33. Damper	Reducing the impact from vibration and shock
34. X-ray tube	Generating X-ray
35. Mercury-based prototype for resistance	Standard for electrical resistance
36. Rotary connector	Supplying electricity or extracting signal through the rotating body
37. Infrared detection element	Detecting infrared and converting it into electrical signals
38. Float type densitometer	Measuring the density of liquids
39. Frequency standard	Standard for frequency and time
40. Radiation detector	Detecting radiation
41. Detector tube	Detecting gas or measuring its concentration

42. Elapsed time indicator	Measuring the accumulated time of which the devices are used
43. Strain gauge sensor	Measuring strains
44. Coulometer	Measuring the magnitude of an electric charge
45. Reference electrode	Standard for measuring or controlling electric potential
46. Gyrocompass	Determining the course and geographical direction
47. Mirror	Reflecting light
48. Grip dynamometer	Measuring the strength of one's grip
49. Pharmaceutical products	Diagnosis, treatment, or prevention of diseases for human beings or other animals
50. Polishing agent	Polishing
51. Arts and crafts	Entertainment
52. Formulation of mercury	Dental treatment
53. Formulation of mercury (I) chloride	Manufacturing ceramic products
54. Formulation of mercury (II) chloride	1. Leather tanning
	2. Fireproofing wood
	3. Sensitizing photographs
	4. Cleaning acetylene gas
	5. Cleaning gas for semiconductor materials
55. Formulation of mercury (II) iodide	Sensitizing photographs
56. Formulation of mercury (I) nitrate	Processing felt in hat manufacturing
57. Formulation of mercury (II) nitrate	Processing felt in hat manufacturing
58. Formulation of mercury (II) thiocyanate	Sensitizing photographs
59. Formulation of phenylmercury (II) acetate	1. Leather tanning or paper manufacturing
	2. Softener for fiber