

Ministerial Ordinance to Provide for Matters concerning Permission and Notification pertaining to Specified Mercury-Using Products (Tentative translation)

(Ordinance of the Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, and the Ministry of Economy, Trade and Industry No. 1 of December 7, 2015)

Under the provisions of Article 6, paragraph (2) and item (iv) of that paragraph, and Article 9, paragraphs (1) and (2) of the Act on Preventing Mercury Pollution of the Environment (Act No. 42 of 2015) and for the enforcement of that Act, this Ordinance provides matters concerning permission and notification pertaining to Specified Mercury-Using Products.

(Terms)

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

(Applying for Permission on Manufacturing Specified Mercury-Using Products)

Article 2 (1) A person intending to obtain permission referred to in Article 6, paragraph (1) of the Act pursuant to the provisions of paragraph (2) of that Article must submit a written application using the appended form 1 to the competent minister, accompanied by the following documents:

- (i) A form specifying the types of Specified Mercury-Using Products;
- (ii) A form specifying the intended use of Specified Mercury-Using Products;
- (iii) A statement that the Specified Mercury-Using Products will indeed be used for the intended purposes pertaining to the application;
- (iv) A certification that the applicant (when the applicant is a juridical person, that juridical person and the members on board conducting business of that juridical person) does not fall under any of the items of Article 7 of the Act; and
- (v) When the applicant is a juridical person, articles of incorporation and a certificate of registered information of that juridical person.

(2) Matters provided by Ordinance of the competent ministry referred to in Article 6, paragraph (2), item (iv) of the Act are the names and types of Specified Mercury-Using Products that are to be manufactured.

(3) Persons specified by the order of the competent ministry in Article 7 (iii) of the Act cannot properly perform the necessary recognition, judgement and

communication to perform the work of manufacturing specified mercury-added products properly due to mental dysfunction.

(Applying for Permission on Changing the Intended Purpose)

Article 3 A person intending to obtain permission for changes pursuant to the provisions of Article 9, paragraph (1) of the Act must submit an application using the appended form 2 to the competent minister, accompanied by the documents listed in paragraph (1), items (ii) and (iii) of the preceding Article.

(Notifying Changes in Names and Other Items)

Article 4 (1) A person intending to notify changes pursuant to the provisions of Article 9, paragraph (2) of the Act must submit a written notification using the appended form 3 to the competent minister.

(2) In the case of a juridical person, an application referred to in the preceding paragraph must be accompanied by a certificate of registered information of the concerned juridical person.

(Notifying Succession)

Article 5 A person intending to notify succession to the status of a permitted manufacturer pursuant to the provisions of Article 11, paragraph (2) of the Act must submit a written notification using the appended form 4 to the competent minister, accompanied by the following documents:

- (i) A form using the appended form 5 and a transcript of one's family register, for an heir who succeeds the status of a permitted manufacturer pursuant to the provisions of Article 11, paragraph (2) of the Act and is selected as the successor with the consent of all of two or more heirs;
- (ii) A form using the appended form 6 and a transcript of one's family register, for an heir who succeeds the status of a permitted manufacturer pursuant to the provisions of Article 11, paragraph (2) of the Act, however not referred to in the preceding item; and
- (iii) In the case of a juridical person who succeeds to the status of a permitted manufacturer as a result of a merge or split pursuant to the provisions of Article 11, paragraph (2) of the Act, a certificate of registered information of that juridical person.

Supplementary Provisions

This Ordinance shall come into effect from the date of enforcement of the provisions listed in Article 1, item (ii) of the Supplementary Provisions of the Act.

Supplementary Provisions

The Ordinance 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 upon the coming into Force of the Act Partially Amending the Japanese Unfair Competition Prevention Act and Other Related Laws (July 1, 2019).

Supplementary Provisions

This Ordinance comes into effect on the date of enforcement of the Act on the Establishment of Relevant Acts for the Purpose of Appropriateness of Measures relating to Restrictions on the Rights of Adult Wards (September 14, 2019).

Supplementary Provisions

(Date of Enforcement)

Article 1 The Ordinance comes into effect on the date of promulgation.

(Transitional Measures)

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

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