

Regulations for Export Trade Control

(Order of the Ministry of International Trade and Industry No. 64 of 1949)

Regulations for Export Trade Control are established as follows for the purpose of implementing the provisions of the Cabinet Order on Export Trade Control (Cabinet Order No. 378 of 1949).

(Procedures for Applying for Permission to Export)

Article 1 (1) A person stated in any of the following items must submit the written application stated in those respective items to the Minister of Economy, Trade and Industry:

- (i) a person who intends to file an application for export permission with the Minister of Economy, Trade and Industry pursuant to the provisions of Article 48, paragraph (1) of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949; referred to below as the "Act") or Article 1, paragraph (3) of the Cabinet Order on Export Trade Control (referred to below as the "Order"): two copies of a written application for export permission following the form prescribed in Appended Table 1;
- (ii) a person who intends to file an application for export approval with the Minister of Economy, Trade and Industry pursuant to the provisions of Article 2, paragraph (1) of the Order: three sets of a written application for export approval following the form prescribed in Appended Table 1-2 (in cases that fall under any of items (i) - 3 through (i) - 8 of that paragraph, a written application for export approval following the form prescribed in Appended Table 1-2-2, and in cases that fall under item (ii) of that paragraph, a written application for export approval under a contract for processing deal trade following the form prescribed in Appended Table 2) (in cases specified separately by the Minister of Economy, Trade and Industry, 2 sets); and
- (iii) a person who applies for export permission under the provisions of Article 48, paragraph (1) of the Act or Article 1, paragraph (3) of the Order and for export approval under the provisions of Article 2, paragraph (1) of the Order (excluding those related to item (ii) of the same paragraph) to the Minister of Economy, Trade and Industry at the same time: two sets of export permission and written application for export approval following the form prescribed in Appended Form 1-3 (in cases that fall under any of items (i) - 3 through (I) - 8

of that paragraph, export permission and written application for export approval following the form prescribed in Appended Form 1-3-2).

- (2) The applicant must attach a document stating the reason for the application and a document confirming the relevant facts to the written application referred to in the preceding paragraph.
- (3) A person who intends to apply for export approval for goods stated in the middle column of row 1 of Appended Table 2 of the Cabinet Order must submit two copies of export confirmation following the format prescribed in Appended Table 1-4, in addition to those specified in the provisions of paragraph (1), to the Minister of Economy, Trade and Industry.
- (4) In granting permission or approval to an application referred to in paragraph (1), the Minister of Economy, Trade and Industry is to state that fact in the written application and deliver a copy of the permitted or approved applications to the applicant as a certificate of permission to export or a certificate of export approval.

(Procedures for Applying for Permission Using an Electronic Data Processing System)

Article 1-2 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, when a person stated in any of the following items files an application using an electronic data processing system (meaning an electronic data processing system as prescribed in Article 2, item (i) of the Act on Processing of Business Related to Import and Export by Means of Electronic Data Processing System (Act No. 54 of 1977) which is deemed to be the electronic data processing system pursuant to the provisions of Article 3, paragraph (1) of that Act; the same applies in the following Article) pursuant to the provisions of Article 6, paragraph (1) of the Act on the Advancement of Government Administration Processes That Utilize Information and Communications Technology (Act No. 151 of 2002), the person must enter the matters required in an application form stated in the relevant item through the input-output device (limited to that which conforms to the standards, as publicly notified by the Minister of Economy, Trade and Industry; referred to as the "specified input-output device" below) used by applicants for the applications referred to in the respective items:

- (i) a person intending to apply for permission to export pursuant to the

provisions of Article 48, paragraph (1) of the Act to the Minister of Economy, Trade and Industry: information required in application forms for permission to export available from a file stored in a computer (including an input and output device; referred to as a "special-purpose computer" below) used by Nippon Automated Cargo and Port Consolidated System, Inc.; and

- (ii) a person intending to apply for export approval pursuant to the provisions of Article 2, paragraph (1) of the Cabinet Order (excluding that which relates to item (ii) of that paragraph) to the Minister of Economy, Trade and Industry: matters required in application forms for permission to export available from a file stored in the special-purpose computer.
- (2) In filing an application stated in the preceding paragraph, the applicant must enter information confirming the relevant facts through the specified input-output device and record it in a file stored in the special-purpose computer, or submit a document confirming the relevant facts to the Minister of Economy, Trade and Industry.
- (3) If a person who files an application as prescribed in paragraph (1) has entered information in accordance with the preceding paragraph, the Minister of Economy, Trade and Industry may have that person submit a document confirming the facts in relation to the relevant information to the extent necessary, during the period from the date on which the applicant has filed the application to the date on which the applicant is notified of whether their application has been accepted or denied.
- (4) Upon granting permission to an application filed in accordance with paragraph (1), item (i), the Minister of Economy, Trade and Industry is to record matters required in a certificate of permission to export following the format prescribed in Appended Table 3 into a file stored in the special-purpose computer; and upon granting approval to an application filed in accordance with item (ii) of that paragraph, the Minister is to record matters required in a certificate of export approval following the format prescribed in Appended Table 4 into a file stored in the special-purpose computer.
- (5) Notwithstanding the provisions of the preceding paragraph, in granting permission for an application filed in accordance with paragraph (1), item (i), the Minister of Economy, Trade and Industry is to state that fact in a

certificate of permission to export following the format prescribed in Appended Table 3, and deliver it to the applicant, if the applicant requests the Minister to do so; and in granting approval for an application filed in accordance with item (ii) of that paragraph, the Minister is to state that fact in a certificate of export approval following the format prescribed in Appended Table 4, and deliver it to the applicant, if the applicant requests the Minister to do so.

(Applicant's Notification)

Article 1-3 (1) The entry prescribed in paragraph (1) of the preceding Article must be made by a person who has made a notification in advance by recording their name and address (in the case of a corporation or any other organization, its name, the name of its representative, and the location of its principal office) and any other matters to be used as a reference in a file stored on a special-purpose computer and submitting to the Minister of Economy, Trade and Industry documents confirming the relevant facts.

(2) A person who has made the notification referred to in the preceding paragraph must, when there has been any change to the matters notified or when the person intends to discontinue the use of the electronic data processing system, promptly notify the Minister of Economy, Trade and Industry to that effect.

(3) If the Minister of Economy, Trade and Industry determines that it is inappropriate for a person who has made the notification referred to in paragraph (1) to continue using an electronic data processing system, the Minister may suspend that person's use of the system.

(4) A notification referred to in Article 2-3, paragraph (1) of the Regulations for Import Trade Control (Order of the Ministry of International Trade and Industry No. 77 of 1949) or a notification referred to in Article 1-3, paragraph (1) of the Ministerial Order on Invisible Trade Connected with Invisible Trade (Order of the Ministry of International Trade and Industry No. 8 of 1998) is deemed to be a notification referred to in paragraph (1).

Article 2 (1) A person intending to apply for approval to export goods for which the authority to grant export approval is delegated to the Director-General of Customs-House pursuant to the provisions of Article 12, item (i), and item (ii), (a) and (b) of the Cabinet Order, must submit two copies of a written

application for export approval as prescribed in Article 1, paragraph (1), item (ii) to the Director-General of Customs-House.

(2) The provisions of Article 1, paragraph (3) apply mutatis mutandis to cases in which the Director-General of Customs-House grants approval pursuant to the provisions of Article 12, item (ii), (a) or (b) of the Cabinet Order.

(3) When approving an application submitted under paragraph (1), the Director-General of Customs-House is to state that fact in all copies of the submitted application and provide the applicant with one of the approved copies as a certificate of export approval.

(Procedures for Applying for Special Permission and Approval)

Article 2-2 Notwithstanding the provisions of this Ministerial Order, the

Minister of Economy, Trade and Industry may establish a special method for implementing the procedures described in the following items, if necessary:

- (i) the procedure for obtaining a license from the Minister of Economy, Trade and Industry under Article 48, paragraph (1) of the Act or Article 1, paragraph (3) of the Order, or for obtaining approval from the Minister of Economy, Trade and Industry under Article 2, paragraph (1) of the Order; and
- (ii) the procedure for notifying the Minister of Economy, Trade and Industry under the provisions of Article 1-3.

(Designated Processing Works and Raw Materials)

Article 3 Processing works and raw materials for processing specified by the Minister of Economy, Trade and Industry pursuant to the provisions of Article 2, paragraph (1), item (ii) of the Cabinet Order are those stated in the following items:

- (i) deleted;
- (ii) manufacturing of leather, furs, and hide products (including fur products; the same applies below) and manufacturing of their semi-finished products: hides (including raw and dressed furs) and semi-finished hide products.

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

Article 4 Customs is to promptly notify the Minister of Economy, Trade and Industry of matters stated in the following items for the goods specified by public notice from the Minister of Economy, Trade and Industry, pursuant to the provisions of Article 5, paragraph (2) of the Cabinet Order; provided,

however, that if the Minister of Economy, Trade and Industry determines that notification concerning the matters stated in those items is unnecessary, customs may omit notification for those matters:

- (i) name and address of the exporter of the goods;
- (ii) name of the consignee of the goods;
- (iii) goods shipment location and destination;
- (iv) name or registration number of the ship or airplane on which the goods are to be loaded;
- (v) name, quantity, and price of the goods;
- (vi) any terms of the contract which may affect the price determination stated in the preceding item;
- (vii) type of currency used for payment of goods; and
- (viii) beyond the matters stated in the preceding items, matters specified by public notice from the Minister of Economy, Trade and Industry.

(Person Specified by Order of the Ministry of Economy, Trade and Industry as Prescribed in Article 53, Paragraph (4) of the Act)

Article 4-2 The person specified by Order of the Ministry of Economy, Trade and Industry as prescribed in Article 53, paragraph (4) of the Act is the person that plays the leading role in performing any of the businesses prohibited under paragraph (1) or (2) of the same Article.

(Persons Equivalent to Those Managing Operations)

Article 4-3 A person specified by Order of the Ministry of Economy, Trade and Industry as prescribed in Article 10, item (i) or (ii) of the Cabinet Order is one who is in a position to regularly take on duties of a person who manages the operations prescribed in these items or any other person who takes on those duties to a substantial extent, irrespective of being a department manager, assistant manager, section chief or having any other title.

(Letters of Inquiry)

Article 5 (1) If necessary to conduct an examination pursuant to the provisions of Article 7 of the Cabinet Order, the Minister of Economy, Trade and Industry may send a letter of inquiry on necessary matters to individuals intending to export or who have exported goods, the manufacturer of those goods, or any other relevant parties, requesting their response.

(2) A person who has received a letter of inquiry as prescribed in the preceding paragraph must make a response to the Minister of Economy, Trade and Industry in writing without delay.

Supplementary Provisions

This Ministerial Order comes into effect on the date of promulgation.

Appended Table 1

(Omitted)

Appended Table 1-2

(Omitted)

Appended Table 1-2-2

(Omitted)

Appended Table 1-3

(Omitted)

Appended Table 1-3-2

(Omitted)

Appended Table 1-4

(Omitted)

Appended Table 2

(Omitted)

Appended Table 3

(Omitted)

Appended Table 4

(Omitted)