

Ministerial Order on Registration of Persons Engaged in Recycling Business Based on the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources (Order of the Ministry of Agriculture Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of May 1, 2001)

(Order of the Ministry of Agriculture Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of 2001)
Pursuant to the provisions of Article 10, paragraph (2) and item (vi) of that paragraph, and paragraph (3), items (i) and (ii) of the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources (Act No. 116 of 2000) (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) of that Act), Article 13, Article 14, paragraph (3), and Article 17 of that Act, the Ministerial Order on the Registration of Persons Engaged in Recycling Business Based on the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources is established as follows.

(Documents and Drawings Required to Be Attached to Written Applications)

Article 1 A person who intends to apply for the registration referred to in Article 11, paragraph (1) of the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources (referred to below as “the Act”) must attach the following documents and drawings to the written application:

- (i) if a person who intends to file the application is a corporation, its articles of incorporation, certificate of registered information, and balance sheet and profit and loss statement for the immediately preceding three years, and documents certifying the amount of corporation tax that must be paid and the amount of corporation tax paid;
- (ii) if a person who intends to file the application is an individual, a duplicate of their residential record, a record of their assets, and documents certifying the amount of income tax that must be paid in the immediately preceding three years and the amount of income tax paid;
- (iii) documents stating the amount of specified fertilizers, feeds, etc. manufactured and sold by the applicant over the past year (if the implementation period of the recycling business (referred to below as the “implementation period”) on the date of

the application (referred to below as the “application date”) of the person who intends to file the application is less than one year, the past ten months), the name and location of the place of business where the specified fertilizers, feeds, etc. were manufactured, and the names, addresses, and contact information of the sales destinations, and documents that serve as the basis of the sales volume;

(iii)-2 if the implementation period is less than one year on the application date, the document pledging to submit documents stating the amount of specified fertilizers, feeds, etc. manufactured and sold for the past year, the names, addresses, and contact information of the sales destinations, and documents that serve as the basis of the sales volume (excluding a document submitted pursuant to the provisions of the preceding item for all documents) promptly after the date on which the implementation period has passed one year;

(iv) a plan of the carrying in of cyclical food resources to a facility to be used for manufacturing specified fertilizers, feeds, etc. (referred to below as a "manufacturing facility of specified fertilizers, feeds, etc.");

(v) if cyclical food resources to be accepted fall under municipal waste (meaning municipal waste defined in Article 2, paragraph (2) of the Act on Waste Management and Public Cleaning (Act No. 137 of 1970; referred to below as the "Waste Management Act"); the same applies in Article 3, paragraph (1), item (iii)), a document certifying that the person who conducts recycling business is a person who is able to dispose of cyclical food resources by obtaining the permission referred to in Article 7, paragraph (6) of the Waste Management Act (if the permission referred to in Article 7-2, paragraph (1) of the Waste Management Act related to the permission is required to be obtained, the permission referred to in that paragraph) or by falling under the provisions of Article 2-3, item (i) or item (ii) of the Regulations for Enforcement of the Act on Waste Management and Public Cleansing (Order of the Ministry of Health and Welfare No. 35 of 1971; referred to below as the "Regulations for Enforcement of the Waste Management Act");

(vi) if cyclical food resources to be accepted fall under industrial waste (meaning industrial waste defined in Article 2, paragraph (4) of the Waste Management Act; the same applies in Article 3, paragraph (1), item (iv)), a document certifying that the person who conducts recycling business is a person who is able to dispose of cyclical food resources by obtaining the permission referred to in Article 14, paragraph (6) of the Waste Management Act (if the permission referred to in Article 14-2, paragraph (1) of the Waste Management Act related to the permission is required to be obtained, the permission referred to in that paragraph) or by falling under the provisions of Article 10-3, item (ii) of the Regulation for Enforcement of the Waste Management Act;

(vii) a document stating the method of use, and price and expected demand of the specified fertilizers, feeds, etc.;

(viii) a floor plan, an elevation view, a cross-sectional view, a structural drawing, a

process flow diagram, and a design calculation sheet which clarify the structure of the manufacturing facility of specified fertilizers, feeds, etc.;

(ix) a sketch drawing of the vicinity of the manufacturing facility of specified fertilizers, feeds, etc.;

(x) when seeking to establish a manufacturing facility of specified fertilizers, feeds, etc., a concrete plan for the schedule from the commencement of construction work to the commencement of use of the facility;

(xi) a plan of the maintenance and management of a manufacturing facility of specified fertilizers, feeds, etc.;

(xii) if the manufacturing facility of specified fertilizers, feeds, etc. is a municipal waste management facility prescribed in Article 8, paragraph (1) of the Waste Management Act, a document certifying that the permission referred to in that paragraph (if the permission referred to in Article 9, paragraph (1) of the Waste Management Act related to the permission is required to be obtained, the permission referred to in that paragraph) has been obtained for the manufacturing facility of specified fertilizers, feeds, etc., and if the manufacturing facility of specified fertilizers, feeds, etc. is an industrial waste management facility prescribed in Article 15, paragraph (1) of the Waste Management Act, a document certifying that the permission referred to in that paragraph (if the permission referred to in Article 15-2-6, paragraph (1) of the Waste Management Act related to the permission is required to be obtained, the permission referred to in that paragraph) has been obtained;

(xiii) if producing general purpose fertilizers defined in Article 2, paragraph (2) of the Act on the Quality Control of Fertilizer (Act No. 127 of 1950), a document certifying that a duplicate of the registration certificate or of a provisional registration certificate referred to in Article 10 of that Act, or the notification referred to in Article 16-2, paragraph (1) of that Act (if the notification referred to in paragraph (3) of that Article related to that notification is required to be given, including the notification referred to in that paragraph) has been submitted, if selling the general purpose fertilizers, a document certifying that the notification referred to in Article 23, paragraph (1) of that Act (if the notification referred to in paragraph (2) is required to be submitted, including the notification referred to in that paragraph) has been submitted;

(xiv) a document stating the results of animal tests when manufacturing feeds that have never been used before; and

(xv) a document stating the results of analytical tests on the amount of components contained in specified fertilizers, feeds, etc.

(Matters to Be Stated in Written Applications)

Article 2 The matters specified by order of the competent ministry referred to in Article 11, paragraph (2), item (vi) of the Act are as follows:

(i) the type and name of the specified fertilizers, feeds, etc.;

(ii) the date of commencement of the manufacturing and sale of the specified

fertilizers, feeds, etc.; and

(iii) the type of cyclical food resources and other raw materials used to manufacture specified fertilizers, feeds, etc.

(Standards for Registration)

Article 3 (1) The standards specified by order of the competent ministry referred to in Article 11, paragraph (3), item (i) of the Act are as follows:

(i) in view of the results of the manufacturing and sale of specified fertilizers, feeds, etc. of the person who conducts recycling business, it is found that there is no risk of hindering the maintenance of the living environment in implementing the recycling business;

(ii) most of the cyclical food resources accepted are to be put into a manufacturing facility of specified fertilizers, feeds, etc.;

(iii) if cyclical food resources to be accepted fall under municipal waste, a person who conducts recycling business is a person who is able to dispose of cyclical food resources by obtaining the permission referred to in Article 7, paragraph (6) of the Waste Management Act (if the permission referred to in Article 7-2, paragraph (1) of the Waste Management Act related to that permission is required to be obtained, the permission referred to in that paragraph), or by falling under the provisions of Article 2-3, item (i) or item (ii) of the Regulations for Enforcement of the Waste Management Act;

(iv) if cyclical food resources to be accepted fall under industrial waste, the person who conducts recycling business is a person who is able to dispose of cyclical food resources by obtaining the permission referred to in Article 14, paragraph (6) of the Waste Management Act (if the permission referred to in Article 14-2, paragraph (1) of the Waste Management Act related to that permission is required to be obtained, the permission referred to in that paragraph) or by falling under the provisions of Article 10-3, item (ii) of the Regulations for Enforcement of the Waste Management Act;

(v) in light of the quality, expected demand, etc. of the specified fertilizers, feeds, etc. obtained through the recycling business, it is found that there is a low risk of the specified fertilizers, feeds, etc. to be disposed of without being used;

(vi) to appropriately analyze and manage the properties of cyclical food resources to be accepted and the specified fertilizers, feeds, etc. obtained through the recycling business;

(vii) a manufacturing facility of specified fertilizers, feeds, etc. is to be as follows:

(a) the facility can be operated in a stable manner, and can be maintained and managed appropriately;

(b) if the manufacturing facility of specified fertilizers, feeds, etc. is a municipal waste management facility prescribed in Article 8, paragraph (1) of the Waste Management Act, the permission referred to in that paragraph (if the permission referred to in Article 9, paragraph (1) of the Waste Management Act related to the

permission is required to be obtained, the permission referred to in that paragraph) for the manufacturing facility of specified fertilizers, feeds, etc. has been obtained, and if the manufacturing facility of specified fertilizers, feeds, etc. is an industrial waste management facility prescribed in Article 15, paragraph (1) of the Waste Management Act, the permission referred to in that paragraph (if the permission referred to in Article 15-2-6, paragraph (1) of the Waste Management Act related to that permission is required to be obtained, the permission referred to in that paragraph) for the manufacturing facility of specified fertilizers, feeds, etc. has been obtained; and

(viii) if producing general purpose fertilizers defined in Article 2, paragraph (2) of the Act on the Quality Control of Fertilizer, the registration referred to in Article 4, paragraph (1) of that Act or provisional registration referred to in Article 5 of that Act has been obtained or a notification referred to in Article 16-2, paragraph (1) of that Act (if a notification referred to in paragraph (3) of that Article related to the notification is required to be submitted, including the notification referred to in that paragraph) has been given, and if selling the general purpose fertilizers, the notification referred to in Article 23, paragraph (1) of that Act (if the notification referred to in paragraph (2) of that Article related to that notification is required to be submitted, including the notification referred to in that paragraph).

(2) The standard specified by order of the competent ministry referred to in Article 11, paragraph (3), item (ii) of the Act is that the processing capacity of cyclical food resources per day for a manufacturing facility of specified fertilizers, feeds, etc. is 5 tons or more.

(Issuance of Registration Certificates)

Article 4 When the competent minister has granted the registration referred to in Article 11, paragraph (1) of the Act, or has renewed the registration referred to in Article 12, paragraph (1) of the Act, the minister is to issue a registration certificate stating the following matters to the registered recycling business operator:

- (i) the registration number and date;
- (ii) the validity period of the registration;
- (iii) the name and address of the applicant, and the name of the representative if the applicant is a corporation;
- (iv) the content of the recycling business; and
- (v) the name and location of the workplace where the recycling business is conducted.

(Notification of Changes)

Article 5 (1) A registered recycling business operator who intends to give a notification on the changes referred to in Article 11, paragraph (5) of the Act must submit a written notification stating the following matters to the competent minister. In such a case, when the change involve change to the documents or drawings stated in the items of Article 1, the documents or drawings after the changes must be attached to the notification.

- (i) the registration number and date;
- (ii) the name and address of the applicant, and the name of the representative if the applicant is a corporation;
- (iii) the content of the change;
- (iv) the date of the change; and
- (v) the reason for the change.

(2) In the case referred to in the preceding paragraph, when the content of the change falls under any of items (iii) through (v) of the preceding Article, the registered recycling business operator must return the registration certificate in their possession. In such a case, the competent minister is to prepare and issue a new registration certificate to the registered recycling business operator.

(Notification of Discontinuation)

Article 6 A registered recycling business operator who intends to give a notification on the discontinuation referred to in Article 11, paragraph (5) of the Act must submit a written notification stating the following matters to the competent minister and return the registration certificate in their possession:

- (i) the registration number and date;
- (ii) the name and address of the applicant, and the name of the representative if the applicant is a corporation;
- (iii) the date of discontinuation; and
- (iv) the reason for the discontinuation.

(Renewal of Registration)

Article 7 (1) A registered recycling business operator who seeks to obtain a renewal of the registration referred to in Article 12, paragraph (1) of the Act must submit the written application prescribed in Article 11, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 12, paragraph (2) of the Act to which the documents and drawings stated in the items of Article 1 is attached to the competent minister, by no later than two months before the day on which the validity period of the registration currently in effect expires.

(2) If an application for renewal of the registration referred to in the preceding paragraph has been filed and a disposition for the application has not been rendered by the day on which the validity period of the registration expires, the previous registration remains in force until the disposition is rendered even after the validity period of the previous registration has expired.

(3) In the case referred to in the preceding paragraph, if the registration is renewed, the validity period of that registration is to be calculated commencing on the day following the expiry date of the previous registration.

(Form of Signs)

Article 8 The form specified by order of the competent ministry referred to in Article 14 of the Act is as shown in the Appended Form.

(Cases When It is Not Necessary to Make Information Available for Public Inspection)

by Automatic Public Transmission)

Article 8-2 The case specified by order of the competent ministry prescribed in Article 14 of the Act is when the number of regular employees is four or less.

(Method of Providing Information for Public Inspection)

Article 8-3 Public inspection under the provisions of Article 14 of the Act is to be made by posting the information on the website of a registered recycling business operator referred to in the Appended Form.

(Method of Public Notice of Fees)

Article 9 (1) The public notice of the fees related to the recycling business under the provisions of Article 15, paragraph (3) of the Act must be given for each place of business that conducts the recycling business related to the registration referred to in Article 11, paragraph (1) of the Act at a place easily visible to the public, and by an automatic public transmission made by connecting to a telecommunications line prescribed in Article 14 of the Act, excluding the case in which the number of regular employees of the registered recycling business operator is four or less.

(2) Public inspection under the provisions of the preceding paragraph is to be made by posting a notice on the website of the registered recycling business operator.

Supplementary Provisions

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

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of November 28, 2003)

This Ministerial Order comes into effect on December 1, 2003.

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of March 7, 2005)

This Ministerial Order comes into effect on the date on which the Act on the Arrangement of Relevant Acts that Accompany the Enforcement of the Real Property Registration Act comes into effect (March 7, 2005).

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of November 30, 2007)

This Ministerial Order comes into effect on the date on which the Act Partially Amending the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources (Act No. 83 of 2007) comes into effect (December 1, 2007).

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of March 31, 2011)

This Ministerial Order comes into effect on the date on which the Act Partially Amending the Act on Waste Management and Public Cleaning comes into effect (April 1, 2011).

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 2 July 6, 2012)

This Ministerial Order comes into effect on the date on which the Act Partially Amending the Act for Partial Amendment of Act for Basic Register of Residents, the Immigration Control and Refugee Recognition Act, and the Act Partially Amending the Special Act on the Immigration Control of, Inter Alia, Those Who Have Lost Japanese Nationality Pursuant to the Treaty of Peace with Japan come into effect (July 9, 2012).

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of July 31, 2015)

(Effective Date)

(1) This Ministerial Order comes into effect on September 1, 2015.

(Transitional Measures)

(2) Regarding an application for registration referred to in Article 11, paragraph (1) of the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources or for renewal of registration referred to in Article 12, paragraph (1) of that Act filed before the enforcement of this Ministerial Order, for which the disposition on whether or not to grant the registration or the renewal of the registration has not been made at the time of the enforcement of this Ministerial Order, the provisions previously in force remain applicable to the disposition.

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 4 of July 12, 2019)

(Effective Date)

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

(Transitional Measures)

(2) Regarding an application for registration referred to in Article 11, paragraph (1) of the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources or for renewal of registration referred to in Article 12, paragraph (1) of that Act filed before the enforcement of this Ministerial Order, for which the disposition on whether or not to grant the registration or the renewal of registration has not been made at the time of the enforcement of this Ministerial Order, the provisions previously in force remain applicable to the disposition.

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment No. 1 of December 1, 2020)

This Ministerial Order comes into effect on the date on which the Act Partially Amending the Fertilizer Control Act comes into effect (December 1, 2020).

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and

Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment
No. 1 of February 28, 2024)

This Ministerial Order comes into effect on April 1, 2024.

Supplementary Provisions (Order of the Ministry of Agriculture, Forestry and
Fisheries, Ministry of Economy, Trade and Industry, and Ministry of the Environment
No. 2 of March 29, 2024)

This Ministerial Order comes into effect on April 1, 2024.

Appended Form

[Omitted]