

Ministerial Order on Certification of the Recycling
Business Plan Based on the Act on Promotion of Recycling
and Related Activities for Treatment of Cyclical Food
Resources (Order of the Ministry of Finance, Ministry of
Health, Labour and Welfare, Ministry of Agriculture,
Forestry and Fisheries, Ministry of Economy, Trade and
Industry, Ministry of Land, Infrastructure, Transport and
Tourism, and Ministry of the Environment No. 2 of May 1,
2001)

(Order of the Ministry of Finance, Ministry of Health, Labour and Welfare,
Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and
Industry, Ministry of Land, Infrastructure, Transport and Tourism, and Ministry of
the Environment No. 2 of 2001)

Pursuant to the provisions of Article 18, paragraph (1) and paragraph (2), item
(vii) of the Act on Promotion of Recycling and Related Activities for Treatment of
Cyclical Food Resources (Act No. 116 of 2000), the Ministerial Order on
Certification of the Recycling Business Plan 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 seeks to obtain certification of a recycling business plan
pursuant to the provisions of Article 19, 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 and certificate of registered information;
- (ii) if a person who intends to file the application is an individual, a copy of their
resident record;
- (iii) a document certifying that the person who collects or transports cyclical food
resources to be used for a recycling business conforms to the items of Article 6;

(iv) a document certifying that the facilities to be used for the collection or transportation of cyclical food resources to be used for a recycling business conform to each item of Article 7;

(v) a plan for the collection, transportation, and carrying in of cyclical food resources from a place of business that generates 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.");

(vi) if cyclical food resources to be accepted at the manufacturing facility of specified fertilizers, feeds, etc. fall under municipal waste (meaning the 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 6, item (iii)), a document certifying that the person who conducts a recycling business is a person who is able to dispose of cyclical food resources through obtaining the permission referred to in Article 7, paragraph (6) of the Waste Management Act (when the permission referred to in Article 7-2, paragraph (1) of the Waste Management Act related to the permission must be obtained, the permission referred to in that paragraph) or falling under the provisions of Article 2-3, item (i) or (ii) of the Regulations for Enforcement of the Act on Waste Management and Public Cleaning (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");

(vii) if cyclical food resources to be accepted at the manufacturing facility of specified fertilizers, feeds, etc. fall under industrial waste (meaning industrial waste defined in Article 2, paragraph (4) of the Waste Management Act; the same applies in Article 6, item (iv)), a document certifying that the person who conducts a recycling business is a person who is able to dispose of cyclical food resources through obtaining the permission referred to in Article 14, paragraph (6) of the Waste Management Act (when the permission referred to in Article 14-2, paragraph (1) of the Waste Management Act related to the permission must be obtained, the permission referred to in that paragraph), or falling under the provisions of Article 10-3, item (ii) of the Regulations for Enforcement of the Waste Management Act;

(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 the manufacturing facility of specified fertilizers, feeds, etc.;

(xii) if the manufacturing facility of specified fertilizer and feed, etc. is a municipal waste management facility prescribed in Article 8, paragraph (1) of the Waste Management Act, a document certifying that the permission prescribed in Article 8, paragraph (1) of the Waste Management Act (if the permission referred to in Article 9, paragraph (1) of the Waste Management Act related to the permission must 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, 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 must be obtained, the permission prescribed 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) through the recycling business, a document certifying that a duplicate of the registration certificate or of a provisional registration certificate prescribed 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) has been submitted, 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) of that Article related to that notification must 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 by the recycling business;

(xv) a document stating the results of the analytical test 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 19, paragraph (2), item (ix) of the Act are as follows:

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

(ii) the date of commencement of manufacturing and sale of the specified fertilizers, feeds, etc.;

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

(iv) the type and amount of manufacture of the specified agricultural, livestock, and marine products, etc., and the usage amount for each food-related business operator that uses those specified agricultural, livestock, and marine products, etc.;

(v) the date of commencement of the sale of specified agricultural, livestock, and marine products, etc.;

(vi) the type and the amount of specified fertilizers, feeds, etc. (limited to those manufactured in accordance with the recycling business plan) used in the production of each type of specified agricultural, livestock, and marine products, etc.;

(vii) the types and amount of fertilizers and feeds other than the specified fertilizers, feeds, etc. and other products specified in the items of Article 2 of the Order for Enforcement of the Act on Promotion of Recycling and Related Activities for Treatment of Cyclical Food Resources (referred to below as “the Order”), used in the production of each type of specified agricultural, livestock, and marine product, etc.

(Application for Approval of Changes)

Article 3 A certified business operator who seeks to obtain the approval related to the changes referred to in Article 20, paragraph (1) of the Act must submit a written application stating the following matters to the competent minister. In such a case, when the change involves a 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 written application:

(i) the date of approval;

(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.

(Specified Agricultural, Livestock and Marine Products)

Article 4 The matters specified by order of the competent ministry referred to in Article 19, paragraph (1) of the Act are as follows:

(i) agricultural, livestock, and marine products produced by using the specified fertilizers, feeds, etc.;

(ii) food that is manufactured or processed using the agricultural, livestock, and marine products stated in the preceding item as raw materials or ingredients, and for which the ratio of the weight of the agricultural, livestock, and marine products stated in the preceding item to the agricultural, livestock, and marine products used as raw materials or ingredients of the food is 50 percent or more;

(Amount of Specified Agricultural, Livestock, and Marine Products Used by Food-Related Business Operators)

Article 5 The amount calculated pursuant to the provisions of order of the competent ministry referred to in Article 19, paragraph (3), item (iv) of the Act is the amount calculated using the formula referred to in the Appendix.

(Standards for Persons Who Conduct Collection and Transportation of Cyclical Food Resources)

Article 6 The standards specified by order of the competent ministry under the provisions of Article 19, paragraph (3), item (v) of the Act are as follows:

(i) the person has sufficient knowledge and skills to properly collect or transport cyclical food resources to be used for the recycling business;

(ii) the person has a sufficient financial basis to accurately, and continuously collect and transport cyclical food resources to be used for the recycling business;

(iii) if cyclical food resources to be used for the recycling business fall under municipal waste, the person does not fall under any of Article 7, paragraph (5), item (iv), sub-items (a) through (j) of the Waste Management Act;

(iv) if cyclical food resources to be used for the recycling business fall under industrial waste, the person is a person that is capable of conducting the collection or transportation of the cyclical food resources in the course of trade by obtaining the permission referred to in Article 14, paragraph (1) 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 must be obtained, the permission referred to in that paragraph) or by falling under Article 9, item (ii) of the Regulations for Enforcement of the Waste Management Act;

(v) the person does not fall under a person who has been rendered an adverse disposition under the provisions of the Waste Management Act, the Purification Tank Act (Act No. 43 of 1983), or the laws and regulations prescribed in Article 4-6 of the Order for Enforcement of the Act on Waste Management and Public Cleansing (Cabinet Order No. 300 of 1971) (meaning an adverse disposition defined in Article 2, item (iv) of the Administrative Procedure Act (Act No. 88 of 1993); the same applies below in this item), and for whom five years have not passed from the date of the adverse disposition; and

(vi) the person is a person that personally conducts the collection or transportation of cyclical food resources to be used for the recycling business.

(Standards for Facilities Used for Collection and Transportation of Cyclical Food Resources)

Article 7 The standards specified by order of the competent ministry under the provisions of Article 19, paragraph (3), item (vi) of the Act are as follows:

(i) the facility has a transporting vehicle, transporting vessel, transporting container, and other transporting facilities that are free from the risk of scattering and leaking cyclical food resources to be used for the recycling business, and leaking offensive odors;

(ii) when there is a transshipment facility, necessary measures have been taken to prevent cyclical food resources to be used for the recycling business from scattering, leaking, permeating underground, and leaking offensive odors;

(iii) necessary measures have been taken to prevent the cyclical food resources from becoming contaminated with foreign substances, pathogenic microorganisms, and other substances that cause harm for recycling of cyclical food resources; and

(iv) necessary measures have been taken to conduct temperature control to prevent spoilage of cyclical food resources and other quality control.

Supplementary Provisions

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

Supplementary Provisions (Order of the Ministry of Finance, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, 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 Finance, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, 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 Finance, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, and Ministry of the Environment No.4 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 Finance, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, 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 Cleansing comes into effect (April 1, 2011).

Supplementary Provisions (Order of the Ministry of Finance, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, and Ministry of the Environment No.2 of July 6, 2012)

This Ministerial Order comes into effect on the date on which a part of 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 Finance, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, 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).

Appendix (Re: Article 5)

$$(A - B) \times \{(C \div D) \times (E \div F)\} \times 0.5$$

$$(A-B) \times \{(C/D) \times (E/F)\} \times 0.5$$

The letter A represents the amount of specified agricultural, livestock, and marine products, etc. produced by an agriculture, forestry or fishery operator, etc. in accordance with the recycling business plan.

The letter B represents, among the specified agricultural, livestock, and marine products, etc., the amount of those products for which the agriculture, forestry or fishery operator has secured sales contacts other than the food-related business operator.

The letter C represents, among the cyclical food resources used in manufacturing the specified fertilizers, feeds, etc., the amount of those resources discharged by the food-related business operator.

The letter D represents the amount of raw materials used for manufacturing the specified fertilizers, feeds, etc.

The letter E represents the amount of the specified fertilizers, feeds, etc. used by the agriculture, forestry or fishery operator, etc. in the production of the specified agricultural, livestock and marine products, etc. (limited to those manufactured in accordance with the recycling business plan).

The letter F represents the total amount of fertilizers, feeds, and other products used to produce the specified agricultural, livestock, and marine products, etc. and other products specified in the items of Article 2 of the Order.