

# **Act on Recycling, etc. of End-of-Life Vehicles**

(Act No. 87 of July 12, 2002)

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## **Chapter 1 General Provisions**

(Purpose)

Article 1 The purpose of this Act is to ensure that waste from End-of-Life Vehicles is properly disposed of and that resources are used effectively through reduction of the amount of waste from End-of-Life Vehicles, and Recycling and sufficiently using the recycled parts of such End-of-Life Vehicles. This is to be accomplished by having Vehicle Manufacturers, etc. and Operators of Related Businesses collect and deliver the End-of-Life Vehicles, and by devising means of Recycling, etc. End-of-Life Vehicles in an appropriate and smooth manner, thereby contributing to the preservation of the environment and the development of a

sound national economy.

(Definitions)

Article 2 (1) In this Act, "Vehicle" is defined as a vehicle prescribed in the Road Transport Vehicle Act (Act No. 185 of 1951), Article 2, Paragraph 2 (except for the following).

- (i) Towed vehicles ( Among the vehicles prescribed in the Road Transport Vehicle Act, Article 2, Paragraph 2, those that are equipment manufactured for towing and moving over land; the same shall apply hereinafter in this paragraph).
  - (ii) Compact vehicles and light vehicles prescribed in the Road Transport Vehicle Act, Article 3 (except for towed vehicles) and two-wheel vehicles (including those with a side car)
  - (iii) The large custom-made vehicles and small custom-made vehicles (except for towed vehicles) prescribed in the Road Transport Vehicle Act, Article 3
  - (iv) In addition to what is listed in the preceding three items, Vehicles specified by Cabinet Order
- (2) In this Act, "End-of-Life Vehicles", are defined among Vehicles, as those Vehicles (including those used in warehouses and those used for purposes other than conveyance; the same shall apply hereinafter) the use of which are finished (In Vehicles possessing anything specified by a Cabinet Order consisting of refrigeration equipment for refrigerated cargo or equipment that is removed and recycled when other Vehicles are removed from regular use and recycled, those for which the termination of such use and the removal of such equipment has occurred.).
- (3) In this Act, "Dismantled Vehicles" are defined as that which remains after the recovery of parts, materials and other useful items that have been separated by dismantling the End-of-Life Vehicles.
- (4) In this Act, "Parts Specified for Recycling" are defined as Automobile Shredder Residue and Parts Designated for Recovery; "Parts Specified for Recycling, etc." are defined as Parts Specified for Recycling and Fluorocarbons.
- (5) In this Act, "Automobile Shredder Residue" is defined as the residue which remains after the Dismantled Vehicles have been shredded and metal and other useful substances have been separated and recovered.
- (6) In this Act, "Parts Designated for Recovery" are defined as parts specified by Cabinet Order as having been installed in Vehicles which fall under any of the following.
- (i) Vehicles for which, when the said vehicles have become End-of-Life Vehicles, the recovery by Dismantling Operators of the said parts from the said End-of-Life Vehicles, the transfer of the said parts to the Vehicle Manufacturers, etc, and Recycling makes Recycling of the said End-of-Life Vehicle proceed

- adequately and smoothly, and for which it is necessary to reduce the volume of waste materials and make effective use of recycled resources.
- (ii) Vehicles found not to be significantly limited from an economic standpoint when planning Recycling of the said parts
  - (iii) Vehicles for which the design of the parts or the parts or the type of raw material is recognized as having a significant impact on the planning Recycling of the said goods when the said vehicles have become End-of-Life Vehicles
- (7) In this Act, "Fluorocarbons" are defined as the Fluorocarbons prescribed in Article 2, Paragraph 1 of the Act for Securing, etc. the Implementation of Recovery and Destruction of Fluorocarbons Contained in Specified Products (Act No. 64 of 2001; hereinafter referred to as "the Fluorocarbons Recovery and Destruction Act").
- (8) In this Act, "Specified Air Conditioners" indicates air conditioners which have been installed in Vehicles (of these Vehicles, restricted to those used for cooling a location and installed in passenger vehicles; the same shall apply hereinafter) in which Fluorocarbons have been packed as a cooling medium.
- (9) In this Act, "Recycling" is defined as the following acts.
- (i) Acts making it possible to use all or part of End-of-Life Vehicles, Dismantled Vehicles or Parts Specified for Recycling as raw materials, parts and the parts of other products
  - (ii) Acts making it possible to use all or part of End-of-Life Vehicles, Dismantled Vehicles or Parts Specified for Recycling, making it possible to supply them for incineration or for obtaining recovering energy from those which may be combustible.
- (10) In this Act, "Recycling, etc." is defined as Recycling and the destruction of Fluorocarbons (indicating destruction as prescribed in Article 33, Paragraph 3 of the Fluorocarbons Recovery and Destruction Act; the same shall apply hereinafter).
- (11) In this Act, "Collection Operations" is defined as operations involving the collecting of End-of-Life Vehicles from the owners of Vehicles (except for operations wherein transportation is carried out only in order to deliver End-of-Life Vehicles to a party designated by the owner of the Vehicle after receiving an entrustment therefrom), and "Collection Operators" is defined as entities having obtained the registration of Article 42, Paragraph 1 for carrying out Collection Operations.
- (12) In this Act, "Fluorocarbons Recovery Operations" is defined as operations involving the recovery of Fluorocarbons from Specified Air Conditioners installed in End-of-Life Vehicles, and "Fluorocarbons Recovery Operators" is defined as entities having obtained the registration of Article 53, Paragraph 1 for carrying out Fluorocarbons Recovery Operations.

- (13) In this Act, "Dismantling Operations" is defined as operations involving the dismantling of End-of-Life Vehicles or Dismantled Vehicles, and "Dismantling Operators" is defined as entities having obtained the license of Article 60, Paragraph 1 for carrying out Dismantling Operations.
- (14) In this Act, "Shredding and Sorting Operations" is defined as operations involving the shredding and sorting of Dismantled Vehicles and pre-shredding and sorting processing (referring to compressing and such other pre-shredding and sorting processing as specified by ordinance of the competent minister; the same shall apply hereinafter), and "Shredding and Sorting Operators" is defined as entities having obtained the license of Article 67, Paragraph 1 for carrying out Shredding and Sorting Operations.
- (15) In this Act, "Manufacturing, etc." is defined as the following acts.
- (i) Acts of manufacturing Vehicles (except for entities receiving an entrustment (limited to that specified by ordinance of the competent minister; the same shall apply hereinafter in this paragraph) from another entity (excluding the non-residents prescribed in the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949), Article 6; the same shall apply hereinafter in this paragraph)
  - (ii) Acts of importing Vehicles (except for those where an entrustment is received from another entity)
  - (iii) Acts of entrusting the acts listed in the preceding (i), (ii) to another entity
- (16) In this Act, "Vehicle Manufacturers, etc." is defined as entities carrying out the Manufacture, etc. of Vehicles in the course of trade.
- (17) In this Act, "Related Business Operators" is defined as Collection Operators, Fluorocarbons Recovery Operators, Dismantling Operators or Shredding and Sorting Operators.

(Obligations of Vehicle Manufacturers, etc.)

Article 3 (1) Vehicles Manufacturers, etc. shall promote long-term use of Vehicles, facilitate the Recycling, etc. of End-of-Life Vehicles and endeavor to reduce the expenses required for the Recycling, etc. of End-of-Life Vehicles by devising the design of Vehicles and parts thereof or types of raw materials.

- (2) Vehicle Manufacturers, etc. shall take into account the importance of the role they play in the implementation of the Recycling, etc. of End-of-Life Vehicles to provide implementation in an appropriate and smooth manner, and adequately provide information regarding the structure of Vehicles they Manufacture, etc. as well as parts and raw materials used to Related Business Operators, and endeavor to cooperate as necessary to implement Recycling, etc. of End-of-Life Vehicles.

(Obligations of Related Business Operators)

Article 4 (1) The Related Business Operators shall endeavor to improve their knowledge and competence relating to Recycling of End-of-Life Vehicles to properly dispose the waste pertaining to the End-of-Life Vehicles and to ensure that the resources are used effectively by implementing Recycling of End-of-Life Vehicles in a proper and smooth manner.

(2) Collection Operators shall work in concert with the Vehicle Manufacturers, etc. to ensure that the Vehicle owners are thoroughly familiar with the fees for Recycling, etc. of Vehicles and other matters and shall endeavor such that the delivery of the End-of-Life Vehicles by the owners of the Vehicles is carried out in a smooth manner.

(Obligations of Vehicle Owners)

Article 5 Vehicle owners shall endeavor so as to prevent vehicles from becoming End-of-Life Vehicles by using the vehicle for as long a period as possible, and endeavor to promote Recycling, etc. of End-of-Life Vehicles by selecting a Vehicle manufactured taking into account the implementation of Recycling, etc. when they purchase a vehicle and using goods obtained from Recycling of End-of-Life Vehicles or goods using them.

(Obligations of the State)

Article 6 (1) The State shall endeavor to promote research and development relating to Recycling, etc. of End-of-Life Vehicles, to disseminate the results, and take other necessary measures.

(2) The State shall endeavor to appropriately provide expenses required for Recycling, etc. of End-of-Life Vehicles, to provide resources in an amount which can be effectively utilized in Recycling, and other information required for Recycling, etc. End-of-Life Vehicles to promote the delivery of End-of-Life Vehicles by the Vehicle owners as well as implement Recycling by Related Business Operators in a proper and smooth manner.

(3) The State shall, through educational and publicity activities, endeavor to increase the public understanding of the Recycling, etc. of End-of-Life Vehicles and to ask for public cooperation for the implementation of such activities. The State shall, through educational and publicity activities, endeavor to increase the public understanding of promotion of the effective use of recycled resources and to ask for public cooperation for the implementation of such activities

(Obligations of Local Governments)

Article 7 Local governments shall endeavor to take the measures required to promote Recycling, etc. of End-of-Life Vehicles pursuant to local circumstances conjointly with national policies.

## **Chapter 2 Implementation of Recycling, etc.**

### **Section 1 Implementation of Recycling by Related Business**

#### **Operators**

(Obligation to Deliver End-of-Life Vehicles)

Article 8 When a vehicle has become an End-of-Life Vehicle, the vehicle owner shall deliver the End-of-Life Vehicle to a Collection Operator.

(Collection Obligation of Collection Operators)

Article 9 (1) When a request is made for collection of an End-of-Life Vehicle, the Collection Operator shall confirm whether or not a Recycling deposit, etc. (hereinafter referred to in this article simply as "Recycling Deposit, etc.") prescribed in Article 73, Paragraph 6 for the End-of-Life Vehicle has been deposited with a Deposit Management Entity prescribed in Article 92, Paragraph 1 (hereinafter referred to simply as "Deposit Management Entity" in this chapter, Chapter 4 and Chapter 5) and, except for the cases falling under any of the following items, collect said End-of-Life Vehicle from the entity requesting collection.

(i) When a Recycling Deposit, etc. for said End-of-Life Vehicles has not been deposited with a Deposit Management Entity

(ii) When there are justifiable grounds specified by ordinance of the competent minister

(2) In cases falling under Item 1 of the preceding paragraph, the Collection Operator shall inform the entity requesting collection pursuant to the provisions of the preceding paragraph that the Recycling Deposit, etc. has been deposited with a Deposit Management Entity.

(Delivery Obligation of Collection Operator)

Article 10 When an End-of-Life Vehicle has been collected, the Collection Operator shall promptly deliver the End-of-Life Vehicle to a Fluorocarbons Recovery Operator if a Specified Air Conditioner is installed in the End-of-Life Vehicle and to a Dismantling Operator if one is not installed.

(Collection Obligation of Fluorocarbons Recovery Operators)

Article 11 When a request has been made by a Collection Operator to collect an End-of-Life Vehicle as indicated in the preceding Article, the Fluorocarbons

Recovery Operator shall collect the End-of-Life Vehicle unless there are justifiable grounds specified by ordinance of the competent minister.

(Recovery Obligation of Fluorocarbons Recovery Operators)

Article 12 When an End-of-Life Vehicle has been collected, the Fluorocarbons Recovery Operator shall recover the Fluorocarbons from the Specified Air Conditioner installed in the End-of-Life Vehicle in accordance with standards relating to recovery of Fluorocarbons specified by ordinance of the competent minister.

(Obligation of Fluorocarbons Recovery Operators to Deliver Fluorocarbons)

Article 13 (1) When the Fluorocarbons are recovered pursuant to the provisions of the preceding article, except for instances in which the Fluorocarbons themselves are to be recycled (used as a refrigerant and as raw material for other products or when bringing them to a condition whereby they are transferred gratuitously or for a fee to entities using them as a refrigerant or as raw material for other products; the same shall apply hereinafter), the Fluorocarbons Recovery Operator shall deliver the Fluorocarbons to Vehicle Manufacturers, etc. who shall collect the Parts Specified for Recycling, etc. pursuant to the provisions of Article 21 (when there are no Vehicle Manufacturers, etc. or when it is not possible to confirm any Vehicle Manufacturers, etc., the parties to whom they are to be delivered are Designated Recycling Organizations; the same shall apply hereinafter in this article; Article 16, Paragraph 3; and Article 18, Paragraph 6). In this case, when collection standards are specified by the Vehicle Manufacturers, etc. pursuant to the provisions of Article 22, Paragraph 1, and the Fluorocarbons shall be delivered pursuant to said collection standards.

(2) When the Fluorocarbons are delivered pursuant to the provisions of the preceding paragraph, the Fluorocarbons Recovery Operator (including entities having been entrusted with transport of the Fluorocarbons) shall transport said Fluorocarbons in accordance with the standards relating to the transport of Fluorocarbons specified by ordinance of the competent minister.

(Obligation of Fluorocarbons Recovery Operators to Deliver End-of-Life Vehicles)

Article 14 When the Fluorocarbons are recovered pursuant to the provisions of Article 12, the Fluorocarbons Recovery Operator shall, after recovering said Fluorocarbons, promptly deliver the End-of-Life Vehicles to a Dismantling Operator.

(Collection Obligation of Dismantling Operators)

Article 15 When the collection of an End-of-Life Vehicle of Article 10 is requested by

a Collection Operator or the collection of an End-of-Life Vehicle of the preceding article is requested by a Fluorocarbons Recovery Operator, except when there are justifiable grounds specified by ordinance of the competent minister, the Dismantling Operator shall collect said End-of-Life Vehicle.

(Obligation, etc. of Dismantling Operators to Implement Recycling)

Article 16 (1) When an End-of-Life Vehicle which has been collected is dismantled, the Dismantling Operator shall recycle said End-of-Life Vehicle by separating the useful parts from said End-of-Life Vehicle and ensure they can be used as parts therefor or otherwise as parts of another product and otherwise recycle said End-of-Life Vehicle.

- (2) Recycling indicated in the preceding paragraph shall be carried out in accordance with the standards specified by the ordinance of the competent minister as standards for Recycling End-of-Life Vehicles by Dismantling Operators.
- (3) When an End-of-Life Vehicle which has been collected pursuant to the provisions of Paragraph 1 is dismantled, the Dismantling Operator shall recover the Parts Designated for Recovery from said End-of-Life Vehicle and deliver said Parts Designated for Recovery to the Vehicle Manufacturers, etc. who shall collect the Parts Specified for Recycling, etc. pursuant to the provisions of Article 21. In this case, when collection standards are specified by the Vehicle Manufacturers, etc. pursuant to the provisions of Article 22, Paragraph 1, these parts shall be delivered pursuant to said collection standards.
- (4) When an End-of-Life Vehicle which has been collected is dismantled pursuant to the provisions of Paragraph 1, the Dismantling Operator shall deliver the Dismantled Vehicle pertaining to the End-of-Life Vehicle to another Dismantling Operator or Shredding and Sorting Operator. However, this shall not apply to cases of delivery to Scrap Dealers of Whole Dismantled Vehicles (referring to entities which collect Dismantled Vehicles and use the entire Dismantled Vehicle as raw material for steel or another method specified by ordinance of the competent minister without generating residue).
- (5) When a Dismantled Vehicle is delivered to Scrap Dealers of Whole Dismantled Vehicles pursuant to the provisions of the proviso in the preceding paragraph, the Dismantling Operator shall preserve items specified by ordinance of the competent minister as documentation certifying of that fact for the time period specified by ordinance of the competent minister from the delivery date.
- (6) When the End-of-Life Vehicle which has been collected is not dismantled by the Dismantling Operator itself, it shall promptly deliver said End-of-Life Vehicle to another Dismantling Operator.
- (7) The provisions of Paragraph 1, Paragraph 2, and the preceding three



paragraphs shall apply mutatis mutandis to the dismantling of Dismantled Vehicles which have been collected by Dismantling Operators.

(Collection Obligation of Shredding and Sorting Operators)

Article 17 When the collection of a Dismantled Vehicle of Paragraph 4 of the preceding article is requested by a Dismantling Operator, except when there are justifiable grounds specified by ordinance of the competent minister, the Shredding and Sorting Operator shall collect the said Dismantled Vehicle.

(Obligations, etc. of Shredding and Sorting Operators to Implement Recycling)

Article 18 (1) When pre-shredding and sorting processing is carried out on a Dismantled Vehicle which has been collected, the Shredding and Sorting Operator shall carry out pre-shredding and sorting processing in accordance with the standards specified by ordinance of the competent minister as standards relating to pre-shredding and sorting processing to promote Recycling of the Dismantled Vehicle by the Shredding and Sorting Operator.

(2) When pre-shredding and sorting processing set forth in the preceding paragraph is carried out, except for instances of shredding and sorting the Dismantled Vehicle after by the Shredding and Sorting Operator itself the preprocessing has been carried out, the Shredding and Sorting Operator shall deliver the Dismantled Vehicle to another Shredding and Sorting Operator (except for entities carrying out solely preprocessing prior to shredding and sorting in the course of trade). However, this shall not apply when delivery is made to Scrap Dealers of Whole Dismantled Vehicles.

(3) Unless there are justifiable grounds specified by ordinance of the competent minister, when the collection of a Dismantled Vehicle of preceding paragraph is requested by another Shredding and Sorting Operator (restricted to entities carrying out solely pre-shredding and sorting processing) in the course of trade the Shredding and Sorting Operator (except for entities carrying out solely preprocessing prior to shredding and sorting in the course of trade) shall collect said Dismantled Vehicle.

(4) When the Dismantled Vehicle which has been collected is shredded and sorted, the Shredding and Sorting Operator shall separate the useful metal from said Dismantled Vehicle and render it in a condition whereby it can be used as a raw material and otherwise recycle the Dismantled Vehicle.

(5) Recycling set forth in the preceding paragraph shall be carried out in accordance with the standards specified by the ordinance of the competent minister as standards relating to Recycling of Dismantled Vehicles by Shredding and Sorting Operators.

(6) When shredding and sorting set forth in Paragraph 4 is carried out, the

Shredding and Sorting Operators shall deliver the Automobile Shredder Residue to a Vehicle Manufacturer, etc. who shall collect the Parts Specified for Recycling, etc. pursuant to the provisions of Article 21. In this case, when the collection standards are specified by the relevant Automobile Manufacturers, etc. pursuant to the provisions of Article 22, Paragraph 1, this shall be delivered based on the said Collection Standards.

- (7) When shredding and sorting and pre-shredding and sorting processing of Dismantled Vehicles which have been collected are not carried out by the Shredding and Sorting Operator itself, the Shredding and Sorting Operators shall deliver the Dismantled Vehicles to another Shredding and Sorting Operator.
- (8) The provisions of Article 16, Paragraph 5 shall apply mutatis mutandis when the Shredding and Sorting Operators deliver Dismantled Vehicles to Scrap Dealers of Whole Dismantled Vehicles pursuant to the provisions of the proviso in Paragraph 2.

(Guidance and Advice)

Article 19 A governor (a mayor or ward chief when this is a municipality or special ward having a health section; the same shall apply hereinafter in this chapter to Chapter 7) may provide, guidance and advice required for implementing the activities required for collection or delivery or Recycling to a registered Collection Operator or Fluorocarbons Recovery Operator or a permitted Dismantling Operator or Shredding and Sorting Operator that collects or delivers an End-of-Life Vehicle or a Dismantled Vehicle when he/she has found it necessary in order to secure implementation required for delivery of Parts Specified for Recycling, etc. or for Recycling of an End-of-Life Vehicle or Dismantled Vehicle.

(Recommendations and Orders)

- Article 20 (1) When there is a Related Business Operator that does not engage in the activities required for collection, delivery or Recycling prescribed in the preceding Article without a justifiable ground, the governor may recommend that said Related Business Operator carry out the activities required for collecting or delivering or Recycling.
- (2) When the governor has found that a Fluorocarbons Recovery Operator is not in compliance with the standards relating to recovery of Fluorocarbons specified by ordinance of the competent minister set forth in Article 12 or when he/she has found that the Fluorocarbons Recovery Operator (including entities which have been entrusted with the transport of Fluorocarbons; the same shall apply hereinafter in this paragraph) is not in compliance with the standards relating to transport of Fluorocarbons specified by the ordinance of the competent minister set forth in Article 13, Paragraph 2, the governor may recommend that said

Fluorocarbons Recovery Operator comply with the standards.

- (3) When a Related Business Operator who has received the recommendation prescribed in the preceding two paragraphs does not take the measures pertaining to the recommendation without a justifiable ground, the governor may order the Related Business Operator to take the measures pertaining to the recommendation.

## **Section 2 Implementation of Recycling, etc. by Vehicle**

### **Manufacturers, etc.**

(Collection Obligation of Vehicle Manufacturers, etc.)

Article 21 When there are requests from Fluorocarbons Recovery Operators, Dismantling Operators or Shredding and Sorting Operators to collect Parts Specified for Recycling, etc., pertaining to Vehicles they have manufactured, etc. (when these entities are successors, surviving juridical persons following a merger or juridical persons established by a merger or juridical persons inheriting other Manufacturing, etc. operations when they are spun off or other entities taking over Manufacturing, etc. operations from another Vehicle Manufacturer, etc. when there is a succession, merger or spin-off of another Vehicle Manufacturer, etc. (restricted to succession of operations for Manufacturing, etc.), including heirs, juridical persons which have been liquidated in a merger or juridical persons which have been spun off or other Vehicle Manufacturers, etc. which have taken over Manufacturing, etc. operations; the same shall apply hereinafter), except when there are justifiable grounds specified by ordinance of the competent minister, the Vehicle Manufacturers, etc. shall collect the Parts Specified for Recycling, etc. at a location (hereinafter referred to as a "Designated Collection Location") designated beforehand by the Vehicle Manufacturers, etc. as a location for collecting the Parts Specified for Recycling, etc.

(Collection Standard)

Article 22 (1) The Vehicle Manufacturers, etc. or the Designated Recycling Organizations prescribed in Article 105 (hereinafter referred to simply as "Designated Recycling Organizations" in this section, Chapter 4, Chapter 5 and Chapter 6, Section 1) may specify standards for collection (hereinafter referred to as the "Collection Standard") for Parts Specified for Recycling, etc. as they relate to the characteristics of the relevant Parts Specified for Recycling, etc., when the Parts Specified for Recycling, etc. are collected, the method of collection and other

matters specified by ordinance of the competent minister.

- (2) When the Collection Standard prescribed in the preceding paragraph is specified pursuant to ordinance of the competent minister, the Vehicle Manufacturers, etc. or Designated Recycling Organizations shall make public them without delay. The same shall apply to changes to such items.

(Fluorocarbons Recovery Fee and Designated Recovery Fee)

Article 23 (1) When Fluorocarbons are delivered to Vehicle Manufacturers, etc. (Vehicle Manufacturers, etc. prescribed in the preceding paragraph; the same shall apply hereinafter in this article), as specified by ordinance of the competent minister, the Fluorocarbons Recovery Operators may request payment of an amount of money (hereinafter referred to as the "Fluorocarbons Recovery Fee") specified by said Vehicle Manufacturers, etc. from said Vehicle Manufacturers for expenses required for recovery of the Fluorocarbons and for transportation to deliver the Fluorocarbons pursuant to the standards specified by ordinance of the competent minister in order to ensure implementation of recovery of the Fluorocarbons in a proper and reliable manner.

- (2) When the Parts Designated for Recovery are delivered to the Vehicle Manufacturers, etc. pursuant to the provisions of Article 16, Paragraph 3, as specified by ordinance of the competent minister, the Dismantling Operator may request payment of an amount of money (hereinafter referred to as "Designated Recovery Fee") specified by said Vehicle Manufacturers, etc. from the Vehicle Manufacturers, etc. specified by ordinance of the competent minister for expenses required for recovery of the Parts Designated for Recovery and for transportation to deliver the Parts Designated for Recovery pursuant to the standards specified by ordinance of the competent minister in order to ensure implementation of recovery of the Parts Designated for Recovery in a proper and reliable manner.
- (3) When a request is made pursuant to the provisions of the preceding two paragraphs, the Vehicle Manufacturers, etc. shall remit a Fluorocarbons Recovery Fee or a Designated Recovery Fee in accordance with this request.
- (4) The Vehicle Manufacturers, etc. shall publicize in advance the Fluorocarbons Recovery Fee and the Designated Recovery Fee specified by ordinance of the competent minister. The same shall apply to changes to such items.

(Recommendations for Collection Standard, etc.)

Article 24 (1) When the competent minister has found that the Collection Standard made public pursuant to the provision of Article 22, Paragraph 2, or the Fluorocarbons Recovery Fee or the Designated Recovery Fee made public pursuant to the provision of the preceding article, Paragraph 4 by Vehicle Manufacturers, etc. do not conform to the standards specified by ordinance of the

competent minister as prescribed in Article 22, Paragraph 1 or Paragraph 1 or 2 of the preceding article, he/she may recommend that said Vehicle Manufacturers, etc. make changes to the published Collection Standard, the Fluorocarbons Recovery Fee or the Designated Recovery Fee by a set due date.

- (2) When there are Vehicle Manufacturers, etc. who have not paid the Fluorocarbons Recovery Fee or Designated Recovery Fee as prescribed in Paragraph 3 of the preceding Article or have not published pursuant to the provisions of Paragraph 4 of the same Article without a justifiable ground, the competent minister may recommend that said Vehicle Manufacturers, etc. pay or publish the Fluorocarbons Recovery Fee or Designated Recovery Fee by a set due date.
- (3) When Vehicle Manufacturers, etc. who have received a recommendation prescribed in the preceding two paragraphs have not taken the measures pertaining to the recommendation without justifiable grounds, the competent minister may order the Vehicles Manufacturers, etc. to take the measures pertaining to the recommendation.

(Obligations, etc. of Vehicle Manufacturers, etc. to Implement Recycling)

Article 25 (1) When Parts Specified for Recycling have been collected, the Vehicle Manufacturers, etc. or Designated Recycling Organization shall carry out Recycling of the Parts Specified for Recycling without delay.

- (2) Recycling set forth in the preceding paragraph (except for that carried out by Designated Recycling Organizations) shall be implemented in accordance with the standards relating to the amount of Recycling to be implemented specified by ordinance of the competent minister for each of the Parts Specified for Recycling.

(Obligation, etc. of Vehicle Manufacturers, etc. to Destroy Fluorocarbons)

Article 26 (1) When Fluorocarbons have been collected, the Vehicle Manufacturers, etc. or Designated Recycling Organizations shall commission without delay the destruction of the Fluorocarbons to Fluorocarbons Destruction Operators (referred to simply as "Fluorocarbons Destruction Operators" in the next paragraph) as prescribed in the Article 26, Item 2 (d) of Fluorocarbons Recovery and Destruction Act. However, this shall not apply when the Specified Vehicle Manufacturers, etc. prescribed in Article 106 Item 1 commission the destruction of the Fluorocarbons to the Designated Recycle Operators, these limitations shall not apply.

- (2) When Fluorocarbons have been delivered to Fluorocarbons Destruction Operators, the Vehicle Manufacturers, etc. and the Designated Recycling Organizations (including those entities which are commissioned to transport the Fluorocarbons by the Vehicle Manufacturers, etc. and the Designated Recycling

Organizations) shall transport said Fluorocarbons in accordance with the standards relating to transport of Fluorocarbons set forth in Article 13, Paragraph 2 of ordinance of the competent minister.

- (3) When the competent minister has found that Vehicle Manufacturers, etc. (including those entities which have been commissioned to transport the Fluorocarbons by Vehicle Manufacturers, etc.; the same shall apply hereinafter in this article) are not in compliance with the standards relating to transport of the Fluorocarbons as set forth in Article 13, Paragraph 2 of ordinance of the competent minister, he/she may recommend that said Vehicle Manufacturers, etc. comply with the standards.
- (4) When Vehicle Manufacturer, etc. who have received the recommendation prescribed in the preceding paragraph has not taken the measures pertaining to the recommendation without a justifiable ground, the competent minister may order said Vehicle Manufacturer, etc. to take the measures pertaining to the recommendation.

(Providing, etc. Register)

Article 27 (1) The Vehicle Manufacturers, etc., pursuant to ordinance of the competent minister, shall provide a register (including those made on magnetic disk (including media which can reliably record specific matters by using a method based thereon; the same shall apply hereinafter); the same shall apply hereinafter) and shall note or record matters specified by ordinance of the competent minister relating to the Recycling, etc. of Parts Specified for Recycling, etc. and shall retain the said register for safekeeping.

- (2) The Vehicle Manufacturers, etc. shall make public the status of the Recycling, etc. of the Parts Specified for Recycling, etc., pursuant to ordinance of the competent minister.

(Authorization for Recycling)

Article 28 (1) When Recycling of Parts Specified for Recycling is carried out (including when Recycling entrusted to another entity is carried out), the Vehicle Manufacturers, etc. shall receive authorization from the competent minister pursuant to the ordinance of the competent minister with regard to conforming to all of the following items. However, this shall not apply when the Specified Vehicle Manufacturers, etc. prescribed in Article 106, Item 1 entrust a Designated Recycling Organization to carry out Recycling.

- (i) The entity implementing the activities required for Recycling conforms to the standards specified by ordinance of the competent minister.
- (ii) The entity prescribed in the preceding item has facilities which are in compliance with the standards specified by ordinance of the competent

minister.

- (2) An entity which intends to receive the authorization set forth in the preceding paragraph shall submit to the competent minister a written application indicating the following matters or other documents which are provided by ordinance of the competent minister.
  - (i) The name or designation, and address and in the case of a juridical person the name of its representative
  - (ii) The entity implementing the activities required for Recycling in relation to said authorization
  - (iii) The facilities provided for activities required for Recycling relating to the relevant authorization
- (3) When the competent minister has found that Recycling relating to the application for authorization set forth in Paragraph 1 conforms to all of the items in the same paragraph, he/she shall give the authorization set forth in the same paragraph.

(Authorization of Changes)

- Article 29 (1) When the Vehicle Manufacturers, etc. which have received authorization set forth in Paragraph 1 of the preceding article intend to make changes to matters listed in Paragraph 2, Item 2 or Item 3 of the same article (except for minor changes specified by the ordinance of the competent minister ), they shall obtain authorization from the competent minister.
- (2) The provisions of Paragraph 2 and Paragraph 3 of the preceding article apply mutatis mutandis to authorization for changes set forth in the preceding paragraph.

(Rescission of Authorization)

- Article 30 When the competent minister has found that Recycling pertaining to the authorization of Article 28, Paragraph 1 is no longer in compliance with any of the items in the same paragraph, he/she may rescind the said authorization.

(Authorization Pertaining to Entrustment of Implementation of Recycling of the Whole Dismantled Vehicles)

- Article 31 (1) When a Vehicle manufacturer has entrusted a Dismantling Operator or Shredding and Sorting Operator with Recycling of the whole Dismantled Vehicles (of Recycling, the user of the entire Dismantled Vehicle is able to use the Dismantled Vehicle after Recycling by the Dismantling Operator pursuant to the standards relating to Recycling prescribed by ordinance of the competent minister under Article 60 Section 2, as raw materials (The entity that may carry out this Recycling of the Dismantled Vehicle as a business is limited to domestic persons

by ordinance of the competent minister) The same shall apply hereinafter), pursuant to the provisions of ordinance of the competent minister, it may obtain the approval of the competent minister with regard to conforming to all of the following items.

- (i) Recycling of the whole dismantled vehicles contributes to a significant reduction in waste compared to Recycling by shredding and sorting of Dismantled Vehicles as well as to the effective use of resources.
  - (ii) The Dismantling Operators or Shredding and Sorting Operators who receives entrustment shall possess the technical expertise enabling them to carry out Recycling of the whole dismantled vehicles in an appropriate and smooth manner.
- (2) An entity who intends to receive authorization set forth in the preceding paragraph shall submit to the competent minister a written application indicating the following matters or other documents provided by ordinance of the competent minister.
- (i) The name or designation, address or in the case of a juridical person, the name of its representative.
  - (ii) The name or designation and address and in the case of a juridical person, the name of its representative, of the Dismantling Operators or Shedding and Sorting Operators entrusted with Recycling of the whole dismantled vehicles
  - (iii) The name or designation of Scrap Dealers of Whole Dismantled Vehicles.
  - (iv) The method of Recycling of the whole dismantled vehicles and the amount of Automobile Shredder Residue suppressed by this.
- (3) When the competent minister has found that Recycling of the whole dismantled vehicles pertaining to the application for authorization in Paragraph 1 conforms to all of the items in this paragraph, he/she shall give the authorization set forth in the same paragraph.
- (4) When the competent minister has given the authorization set forth in Paragraph 1, he/she shall notify the Deposit Management Entity to this effect and to the details of it without delay.

(Authorization for Changes)

- Article 32 (1) When the Vehicle Manufacturers, etc. which have received authorization set forth in Paragraph 1 of the preceding article intend to make changes to the matters listed in Paragraph 2, Item 2 to Item 4 of the same article (except for minor changes specified by the ordinance of the competent minister), they shall obtain the authorization from the competent minister.
- (2) The provisions in Paragraph 2 to Paragraph 4 in the preceding article apply mutatis mutandis to the authorization for changes set forth in the preceding paragraph.



(Rescission of Authorization)

Article 33 (1) When the competent minister has found that Recycling of the whole dismantled vehicles pertaining to the authorization in Article 31, Paragraph 1 is no longer in compliance with any of the items in the same paragraph, he/she may rescind the said authorization.

(2) The provisions of Article 31, Paragraph 4 apply mutatis mutandis to rescission of authorization set forth in the preceding paragraph.

(Publication, etc. of Fees for Recycling, etc.)

Article 34 (1) The Vehicle Manufacturers, etc., pursuant to ordinance of the competent minister, shall determine and publicize fees as set forth in each of the relevant items for Recycling, etc. listed in the following Items related to vehicles which they themselves have manufactured by the time these are sold.

(i) Recycling of Automobile Shredder Residue: Fees relating to activities required for Recycling carried out by the Vehicle Manufacturers, etc. for Automobile Shredder Residue pertaining to said Vehicles

(ii) Recycling of Parts Designated for Recovery: Fees relating to activities required for Recycling carried out by the Vehicle Manufacturers, etc. for Parts Designated for Recovery pertaining to said Vehicles (including payment of Designated Recovery Fee for said Parts Designated for Recovery)

(iii) Destruction of Fluorocarbons: Fees relating to activities required for the destruction carried out by the Vehicle Manufacturers, etc. (including the payment of Fluorocarbons Recovery Fee pertaining to said Fluorocarbons) for Fluorocarbons packed in Specified Air Conditioners installed in the said Vehicles

(2)

The fees made public pursuant to the provisions of the preceding paragraph shall not exceed the appropriate cost of efficiently implementing activities required for Recycling, etc. of Parts Specified for Recycling, etc. and shall not be significantly less than the appropriate cost.

(Recommendation, etc. for Fee relating to Recycling, etc.)

Article 35 (1) When the competent minister has found that the fee made public by the Vehicle Manufacturers, etc. pursuant to the provisions of Paragraph 1 of the preceding article is significantly exceeding the appropriate prime cost when activities required for Recycling, etc. of Parts Specified for Recycling, etc. are carried out efficiently or has found that the fee is significantly less than the appropriate prime cost, he/she may recommend that said Vehicle Manufacturers, etc. make changes to the published fee by a set due date.

(2) When Vehicle Manufacturers, etc., who have received the recommendation prescribed in the preceding paragraph have not taken measures pertaining to the recommendation without a justifiable ground, the competent minister may order said Vehicle Manufacturers, etc. to take the measures pertaining to the recommendation.

(Display)

Article 36 The Vehicle Manufacturers, etc. shall indicate the name of the entities engaged in the manufacture of the Vehicles and other matters specified by ordinance of the competent minister pursuant to the ordinance of the competent minister before the Vehicles are sold.

(Guidance and Advice)

Article 37 The competent minister may provide guidance and advice to the Vehicle Manufacturers, etc. relating to the collection or the implementation of activities required for Recycling, etc. when he/she has found it necessary in order to secure collection of Parts Specified for Recycling, etc. pursuant to the provisions of Article 21 or to secure implementation of activities required for Recycling, etc. of the Parts Specified for Recycling, etc. pursuant to the provisions of Article 25, or Article 26, Paragraph 1.

(Recommendation and Order)

Article 38 (1) When there are Vehicle Manufacturers, etc. who are not engaged in collection or activities required for Recycling, etc. prescribed in the preceding article without justifiable grounds, the competent minister may recommend that said Vehicle Manufacturers, etc. carry out said collection or activities required for Recycling, etc.

(2) When Vehicle Manufacturers, etc. who have received the recommendation prescribed in the preceding paragraph does not take the measures pertaining to the recommendation without justifiable grounds, the competent minister may order said Vehicle Manufacturers, etc. to take the measures pertaining to the recommendation.

(Placing, etc. of Designated Collection Locations)

Article 39 (1) In setting up a Designated Collection Location, Vehicle Manufacturers, etc. shall set up an appropriate location taking into account the geographical conditions, transportation situation, condition of distribution of bases used for Vehicles manufactured by them to ensure the efficient implementation of activities required for Recycling, etc. of Parts Specified for Recycling, etc. and smooth delivery of the Parts Specified for Recycling, etc. by

the Fluorocarbons Recovery Operators, Dismantling Operators or Shredding and Sorting Operators to the Vehicle Manufacturers, etc.

- (2) When a Designated Collection Location is designated, the Vehicle Manufacturers, etc. shall make public without delay the location of the Designated Collection Location pursuant to the ordinance of the competent minister. The same holds when a Designated Collection Location is changed.

(Report Made by Fluorocarbons Recovery Operators, etc.)

Article 40 When it has been found that significant obstacles may arise in the delivery of the Parts Specified for Recycling, etc. which are to be collected by the Vehicle Manufacturers, etc. pursuant to the provisions of Article 21 when the Vehicle Manufacturers, etc. have not set up an appropriate Designated Collection Location, the Fluorocarbons Recovery Operators, Dismantling Operators and Shredding and Sorting Operators may report this to the competent minister pursuant to ordinance of the competent minister.

(Recommendations Concerning Designated Collection Location)

Article 41 The competent minister may recommend that the Vehicle Manufacturers, etc. regarding the report set up a Designated Collection Location required to secure the smooth delivery of the Parts Specified for Recycling, etc. by the Fluorocarbons Recovery Operators, Dismantling Operators or Shredding and Sorting Operators who have made the report to the Vehicle Manufacturers, etc. when he/she has found it particularly necessary in order to secure the appropriate delivery of the Parts Specified for Recycling, etc. by avoiding the obstacles prescribed in the preceding article when a report has been made pursuant to the provisions of the preceding article,.

## **Chapter 3 Registrations and Licenses**

### **Section 1 Registration of Collection Operators**

(Registration of Collection Operators)

- Article 42 (1) Entities who intend to engage in Collection Operations shall be registered by the governor having jurisdiction over the address of business office where the operations are to be carried out.
- (2) Unless the registration set forth in the preceding paragraph is renewed every five years, it is no longer valid once that period has elapsed.
- (3) When an application for renewal as set forth in the preceding paragraph has been made and when no disposition has been made for the application by the

expiration date of the period set forth in the same paragraph (hereinafter referred to as "Valid Period of Registration" in this article), the previous registration shall continue to be in effect after the valid period of the registration has expired until the disposition has been made.

- (4) In the case set forth in the preceding paragraph and when registration has been renewed, the valid period of the registration shall be calculated from the day following the date of expiration of the valid period of the previous registration.

(Application for Registration)

Article 43 (1) An entity who intends to be registered as set forth in Paragraph 1 of the preceding article (hereinafter referred to as "Parties Applying to Register as Collection Operators") shall submit a written application indicating the following matters to the governor.

- (i) The name or designation and address and in the case of a juridical person, the name of its representative.
- (ii) The name and address of the business office
- (iii) When the applicant is a juridical person, the name of its officers (employees engaged in business, directors, executives or persons qualifying as such; the same shall apply hereinafter in this section and the next section)
- (iv) When the applicant is a minor, the name and address of its legal representative
- (v) System used to confirm whether Fluorocarbons are contained as a refrigerant in the air conditioners installed in the End-of-Life Vehicles.
- (vi) Other matters specified by ordinance of the competent ministry

- (2) A written statement attesting to the fact that none of the items in Article 45, Paragraph 1 apply to the Parties Applying to Register as Collection Operators and other documents specified by ordinance of the competent minister shall be appended to the written application set forth in the preceding paragraph.

(Implementation of Registration)

Article 44 (1) When the written application pursuant to the provisions of the preceding article has been submitted, except when the governor rejected the registration pursuant to the provisions of Paragraph 1 of the following article, the governor shall register the following matters in the Collection Operators registry.

- (i) Matters listed in Paragraph 1, Item 1 to Item 4 of the preceding article
  - (ii) Date of registration and registration number
- (2) When the governor made the registration pursuant to the provisions of the preceding paragraph, he/she shall notify the Parties Applying to Register as Collection Operators to that effect without delay.

(Rejection of Registration)

Article 45 (1) When the Parties Applying to Register as Collection Operators falls under any of the following and when the governor has found that the items listed in Article 43, Paragraph 1, Item 5 indicated in the written application do not conform to the standards set forth in the ordinance of the competent minister since it is possible that these will interfere with securing the implementation of the appropriate or smooth recovery of the Fluorocarbons from the Specified Air Conditioners which are installed in the End-of-Life Vehicles or when there has been falsification of important matters in the application or in the appended documents or when important matters are missing from these, the governor shall reject the registration.

- (i) When the applicant is an adult ward or person under curatorship or a bankrupt who has not been rehabilitated
  - (ii) A person who was sentenced to a fine or severe punishment for the violation of any provisions of this Act, the Fluorocarbons Recovery and Destruction Act or the Act on Waste Disposal and Public Cleansing (Act No. 137 of 1970; hereinafter referred to as the "Waste Disposal Act") or a disposition given under these acts, where a period of two years has not yet elapsed since the person served out the sentence or ceased to be subject to the sentence
  - (iii) A person whose registration has been rescinded pursuant to the provisions of Article 51, Paragraph 1 and less than two years have elapsed since the date of the disposition
  - (iv) An entity who is a Collection Operator and a juridical person but was an officer of the Collection Operator 30 days or less prior to date of disposition when the registration was withdrawn pursuant to the provisions of Article 51, Paragraph 1 and less than two years have elapsed since the date of the disposition.
  - (v) A person who has been ordered to cease business operations pursuant to the provisions of Article 51, Paragraph 1 and have not elapsed the period in which business operations were ceased.
  - (vi) A minor who does not have the same legal capacity as an adult in Collection Operations and whose legal representative falls under any of the preceding items in this paragraph.
  - (vii) A juridical person, among whose officers are entities to whom Item 1 to Item 5 apply
- (2) When the governor has rejected the registration pursuant to the provisions of the preceding paragraph, he/she shall notify the Parties Applying to Register as Collection Operators to that effect without delay indicating the reason for this.

(Notification of Changes)

Article 46 (1) When changes have been made to the matters indicated in all of the items in Paragraph 1, Article 43, the Collection Operator shall notify the governor to that effect within 30 days of the change. However, this does not apply to minor changes specified by ordinance of the competent minister.

(2) When the governor has received the notification pursuant to the provisions of the preceding paragraph, except for instances in which the matters relating to the notification either fall under Paragraph 1, Item 6 or Item 7 of the preceding article or when the matters are no longer in compliance with the standards specified by ordinance of the competent minister in the same paragraph, he/she shall register the matters listed in Article 44, Paragraph 1, Item 1 among the matters indicated in the notification in the Collection Operators registry.

(3) The provisions in Article 43, Paragraph 2 shall apply mutatis mutandis to notifications made pursuant to the provisions of Paragraph 1 and the provisions in Article 44, Paragraph 2 shall apply mutatis mutandis to registration pursuant to the provisions of the preceding paragraph.

(Access to Collection Operator Register)

Article 47 The governor shall provide public access to the Collection Operators registry.

(Notification of Discontinuance of Business, etc.)

Article 48 (1) When the Collection Operator falls under any of the following items, the entity specified in each of the following items shall notify the governor to that effect within 30 days of the occurrence thereof.

(i) In the case of death; the successor

(ii) When the juridical person disappears due to a merger; the person who was an officer representing the juridical person

(iii) When the juridical person has been dissolved by a decision to initiate bankruptcy proceedings; the trustee in bankruptcy

(iv) When the juridical person has been dissolved for reasons other than a decision to initiate bankruptcy proceedings; the liquidator

(v) When the Collection Operations relating to the registration are abolished; the individual who was the Collection Operator or the officer representing the juridical person which was the Collection Operator

(2) When the Collection Operator falls under any of the items in the preceding paragraph, the registration of the Collection Operator shall no longer be valid.

(Cancellation of Registration)

Article 49 When the registration is no longer valid pursuant to the provisions of Article 42, Paragraph 2 or Paragraph 2 of the preceding article, or when the

registration is rescinded pursuant to the provisions of Article 51, Paragraph 1, the governor shall cancel the registration of the Collection Operator.

(Posting of Signs)

Article 50 Collection Operators shall post signs indicating the name or designation, registration number and other matters specified by the ordinance of the competent minister for each business office and each location where it can be seen by the public as specified by the ordinance of the competent minister.

(Rescission of Registration, etc.)

Article 51 (1) When Collection Operator falls under any of the following items, the governor may rescind the registration or order the Collection Operator to cease all or part of its business operations within six months thereof.

(i) When Collection Operator has obtained the registration as set forth in Article 42, Paragraph 1 (including renewal of registration as indicated in Paragraph 2 of the same article) by wrongful means

(ii) When the system which confirms whether Fluorocarbons are contained as a refrigerant in air conditioners installed in End-of-Life Vehicles is no longer in compliance with the standards specified by the ordinance of the competent minister set forth in Article 45, Paragraph 1.

(iii) When Collection Operator has come to fall under any of Article 45, Paragraph 1, Item 1, Item 2, Item 4, Item 6 or Item 7.

(iv) When Collection Operator has violated this Act or an order or disposition based on this Act.

(2) The provisions of Article 45, Paragraph 2 shall apply mutatis mutandis when a disposition is made pursuant to the provisions of the preceding paragraph.

(Delegation to Ordinances of the Competent Ministry)

Article 52 In addition to what is prescribed in this section, matters required for registration of Collection Operators are determined by the ordinances of the competent ministry.

## **Section 2 Registration of Fluorocarbons Recovery Operators**

(Registration of Fluorocarbons Recovery Operators)

Article 53 (1) Entities who intend to engage in Fluorocarbons Recovery Operations shall be registered by the governor having jurisdiction over the address of the business office where the operations are to be carried out.

(2) Unless the registration set forth in the preceding paragraph is renewed every

five years, it is no longer valid once that period has elapsed.

- (3) When an application for renewal set forth in the preceding paragraph has been made and when no disposition has been made for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to in this article as "Valid Period of Registration"), the previous registration shall continue to be in effect after the valid period of the registration has expired until the disposition has been made.
- (4) In the case referred to in the preceding paragraph, when registration has been renewed, the Valid Period of Registration shall be calculated from the day following the expiration date of the valid period of the previous registration.

(Application for Registration)

Article 54 (1) An entity who intends to be registered as set forth in Paragraph 1 of the preceding article (hereinafter referred to as "Parties Applying to Register as Fluorocarbons Recovery Operators") shall submit a written application indicating the following matters to the governor.

- (i) The Name or designation, address in the case of a juridical person, the name of its representative
  - (ii) The name and address of business office
  - (iii) When the applicant is a juridical person, the name of its officers
  - (iv) When the applicant is a minor, the name and address of its legal representative
  - (v) Type of Fluorocarbons to be recovered
  - (vi) Type and capability of equipment to be used in recovery of Fluorocarbons from Specified Air Conditioners installed in End-of-Life-Vehicles
  - (vii) Other matters specified by ordinance of the competent minister
- (2) A written statement attesting to the fact that none of the items in Article 56, Paragraph 1 apply to the Parties Applying to Register as Fluorocarbons Recovery Operators and other documents specified by ordinance of the competent minister shall be appended to the written application set forth in the preceding paragraph.

(Implementation of Registration)

Article 55 (1) When the written application pursuant to the provisions of the preceding article has been submitted, except when the governor has rejected the registration pursuant to the provisions in Paragraph 1 of the following article, he/she shall register the following matters in the Fluorocarbons Recovery Operator Registration Registry.

- (i) Matters listed in Paragraph 1, Item 1 to Item 5 of the preceding article
  - (ii) Date of registration and registration number
- (2) When the governor has made the registration pursuant to the provisions of the



preceding paragraph, he/she shall notify the Parties Applying to Register as Fluorocarbons Recovery Operators to that effect without delay.

(Rejection of Registration)

Article 56 (1) When the Parties Applying to Register as Fluorocarbons Recovery Operators falls under any of the following items and when the governor has found that the items in Article 54, Paragraph 1, Item 6 indicated in the written application do not conform to the standards specified by ordinance of the competent minister as they do not sufficiently implement appropriate and reliable recovery of Fluorocarbons from Specified Air Conditioners installed in the End-of-Life Vehicles or when there have been falsifications in important matters of those matters in the written application or in the documentation appended or when important matter have not been recorded therein, the governor shall reject registration.

- (i) When the applicant is an adult ward or a person under curatorship or a bankrupt who has not been rehabilitated
  - (ii) A person who was sentenced to a fine or severe punishment for the violation of any provisions of this Act, the Fluorocarbons Recovery and Destruction Act or the Waste Disposal Act or a disposition given under these acts, and less than two years have elapsed since the person served out the sentence or ceased to be subject to the sentence
  - (iii) A person whose registration has been rescinded pursuant to the provisions of Article 58, Paragraph 1 and less than two years have elapsed since the date of the disposition
  - (iv) A juridical person which is a Fluorocarbons Recovery Operator whose registration was rescinded pursuant to the provisions of Article 58, Paragraph 1 or a person who is an officer of the Fluorocarbons Recovery Operator for whom disposition was made within 30 days prior to that date and for whom less than two years have elapsed since the date of the disposition
  - (v) A person who has been ordered to cease business operations pursuant to the provisions of Article 58, Paragraph 1 and have not elapsed the period in which business operations were ceased.
  - (vi) A minor who does not have the same legal capacity as an adult in Fluorocarbons Recovery Operations and whose legal representative falls under any of the preceding items in this paragraph.
  - (vii) A juridical person, among whose officers are persons who fall under Item 1 to Item 5
- (2) When the governor has rejected registration pursuant to the provisions of the preceding paragraph, he/she shall notify the Fluorocarbons Recovery Operation Registration Applicant to that effect without delay indicating the reason for this.

(Notification of Changes)

Article 57 (1) When changes have been made to matters listed in each of the items in Article 54, Paragraph 1, the Fluorocarbons Recovery Operators shall notify the governor to that effect. However, this does not apply to minor changes specified by ordinance of the competent minister.

(2) When the governor has received notification pursuant to the provisions in the preceding paragraph, except for instances in which the matters relating to said notification fall under Paragraph 1, Item 6 or Item 7 of the preceding article or the matters are no longer in compliance with the standards specified by ordinance of the competent minister in the same paragraph, he/she shall register the matters listed in Article 55, Paragraph 1, Item 1 among the matters covered in the notification, in the Fluorocarbons Recovery Operation Registration Registry.

(3) The provisions of Article 54, Paragraph 2 shall apply mutatis mutandis to notification pursuant to the provisions in Paragraph 1 and the provisions of Article 55, Paragraph 2 shall apply mutatis mutandis to the registration pursuant to the provisions in the preceding paragraph.

(Rescission of Registration, etc.)

Article 58 (1) When a Fluorocarbons Recovery Operator falls under any of the following items, the governor may rescind the registration or issue an order to cease all or part of its business operations within six months thereof.

(i) When the registration set forth in Article 53, Paragraph 1 (including renewal of registration set forth in Paragraph 2 of the same article) has been obtained by wrongful means

(ii) When the facilities used for recovery of the Fluorocarbons from the Specified Air Conditioners installed in the End-of-Life Vehicles are no longer in compliance with the standards specified by ordinance of the competent minister set forth in the Article 56, Paragraph 1

(iii) When any of Article 56, Paragraph 1, Item 1, Item 2, Item 4, Item 6 or Item 7 apply

(iv) When there has been a violation of this Act or orders or dispositions based on this Act have been violated

(2) The provisions of Article 56, Paragraph 2 shall apply mutatis mutandis when a disposition is made pursuant to the provisions of the preceding paragraph.

(Mutatis Mutandis Application)

Article 59 The provisions set forth in Article 47 through Article 50 and Article 52 shall apply mutatis mutandis to Fluorocarbons Recovery Operators. In this case,

the term "Article 42, Paragraph 2 or Paragraph 2 of the preceding article" in Article 49 shall be deemed to be replaced with "Article 48, Paragraph 2, as applied mutatis mutandis pursuant to Article 53, Paragraph 2 or Article 59" and the term "Article 51, Paragraph 1" shall be deemed to be replaced with "Article 58, Paragraph 1".

### **Section 3 License for Dismantling Operations**

(License for Dismantling Operations)

Article 60 (1) A person who intends to engage in Dismantling Operations shall obtain a license from the governor having jurisdiction over the address of the business office where the operations are to be carried out.

(2) Unless the license set forth in the preceding paragraph is renewed for each period of not less than five years specified by Cabinet Order, it is no longer valid once that period has elapsed.

(3) When an application for renewal set forth in the preceding paragraph has been made and when no disposition has been made for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to in this article as "Valid Period of License"), the previous license shall continue to be in effect from the expiration date of the Valid Period of the License until the disposition has been made.

(4) In the case referred to in the preceding paragraph, when the license has been renewed, the Valid Period of the License shall be calculated from the day following the expiration date of the valid period of the previous license.

(Application for License)

Article 61 A person who intends to obtain the license set forth in Paragraph 1 of the preceding article (hereinafter referred to as "Dismantling Operation License Applicant") shall submit a written application to the governor indicating the following matters.

(i) The name or designation, the address and in the case of a juridical person, its representative

(ii) The name and address of the business office

(iii) When the applicant is a juridical person, the name and address of its officers (indicating an employee, director, executive or person corresponding to these that includes persons recognized as having management capabilities equal to or greater than the employees, directors, executives or persons corresponding to these who carry out business operations for the corporation or whether or not this is a person who is an adviser, consultant or person having any other

designation; the same shall apply hereinafter in this chapter) and when there is an employee specified by Cabinet Order, the name and address of the person

(iv) When the applicant is a minor, the name and address of its legal representative

(v) Overview of facilities provided for use in business operations

(vi) Other matters specified by ordinance of the competent minister

(2) A written statement attesting to the fact that none of the items in Paragraph 1, Item 2, (a) to (j) of the following article apply to the Dismantling Operation License Applicant and other documents specified by ordinance of the competent minister shall be appended to the written application set forth in the preceding paragraph.

(Standards for License)

Article 62 (1) The governor shall not give the license set forth in the same paragraph, unless he/she has found that the application for the license set forth in Article 60, Paragraph 1 conforms to all of the following items.

(i) The facilities provided for use in the business operations and the competence of the Dismantling Operation License Applicant shall conform to the standards specified by ordinance of the competent minister so that the applicant can reliably and sufficiently carry out the operation on a sustained basis.

(ii) None of the following shall apply to the Dismantling Operation License Applicant.

(a) When the applicant is an adult ward or a person under curatorship or a bankrupt who has not been rehabilitated

(b) A person who was sentenced to an imprisonment or severe punishment and less than five years have elapsed since the person served out the sentence or ceased to be subject to the sentence

(c) A person who has violated the provisions of this Act, the Waste Disposal Act, the Act on Septic Tanks (Act No. 43 of 1983) and other laws aimed at protecting the environment and specified by Cabinet Order or dispositions given under these acts or the provisions of the Act on the Prevention, etc. of Unjust Acts by Criminal Gang Members (Act No. 77 of 1991. Except for Article 31, Paragraph 7), or who has committed crimes indicated in Article 204, Article 206, Article 208, Article 208-3, Article 222 or Article 247 of the Penal Code (Act No. 45 of 1912) or crimes in the Act on Punishment of Physical Violence and Others (Act No.60 of 1926) and has been sentenced to a fine and less than five years have elapsed since the person served out the sentence or ceased to be subject to the sentence

(d) A person whose license has been rescinded pursuant to the provisions of Article 66 (including instances when it is replaced with and is applied

mutatis mutandis to in Article 72), Article 7-4 or Article 14-3-(ii) of the Waste Disposal Act (including cases when revision is applied to Article 14 - 6 of the Waste Disposal Act) or the provisions of Article 41, Paragraph 2 of the Act on Septic Tanks for whom less than five years have elapsed from the date of rescission (including cases when the person is a juridical person whose license has been rescinded, when the person was an officer of a corporation having received notification as prescribed in Article 15 of the Administrative Procedures Act (Act No. 88 of 1993) as it relates to a disposition of rescission within 60 days before that date)

- (e) A person for whom there is sufficient reason to find that he/she is likely to engage in practices which are illegal or dishonest in carrying out these operations
  - (f) A person who stopped being a criminal gang member (hereinafter referred to in this item as "Criminal Gang Member") as prescribed in Article 2, Item 6 of the Act on Prevention, etc of Unjust Acts by Criminal Gang Members (Members of Criminal Organizations) or for whom less than five years have elapsed since he/she have stopped being a Criminal Gang Member (hereinafter referred to in this item as "Criminal Gang Members, etc.").
  - (g) Minors who do not have the same competence as an adult in carrying out business operations and whose legal representative falls under any of the preceding (a) to (f)
  - (h) The juridical persons with its officers or employees specified by Cabinet Order who fall under any of (a) through (f)
  - (i) A juridical person whose business activities are controlled by Criminal Gang Members, etc.
  - (j) The individuals with its employees specified by Cabinet Order who fall under any of (a) through (f)
- (2) When an application for license set forth in Article 60, Paragraph 1 has been made and a disposition is made not to grant the license, the governor shall notify the Dismantling Operation License Applicant to that effect without delay indicating the reason for this.

(Notification of Changes)

Article 63 (1) When a change is made to any of the matters listed in Article 61, Paragraph 1, the Dismantling Operator shall notify the governor to that effect within 30 days of the occurrence thereof.

- (2) The provisions of Article 61, Paragraph 2 shall apply mutatis mutandis to the notification pursuant to the provisions of the preceding paragraph.

(Notification of Discontinuance of Business, etc.)

Article 64 When the Dismantling Operator falls under any of the following items, the entity specified in each of the following items shall notify the governor to that effect within 30 days of the occurrence thereof.

- (i) In case of death; the successor
- (ii) When a juridical person disappears due to a merger; the person who was the officer representing the juridical person
- (iii) When the juridical person has been dissolved by a decision to initiate bankruptcy proceedings; the trustee in bankruptcy
- (iv) When the juridical person has been dissolved for reasons other than a decision to initiate bankruptcy proceedings; the liquidator
- (v) When the Dismantling Operations relating to the license are abolished; the individual who was the Dismantling Operator or the officer representing the juridical person which was the Dismantling Operator

(Posting of Signs)

Article 65 The Dismantling Operator shall post a sign indicating the name or designation and other matters specified by ordinance of the competent minister for each business office and each location where it can be seen by the public specified by ordinance of the competent minister.

(Rescission, etc. of License)

Article 66 When a Dismantling Operator falls under any of the following items, the governor may rescind the license or order the operator to cease all or part of the business operations within one year.

- (i) When there has been conduct which violates this Act or violates an order based on this Act or the disposition hereof (hereinafter referred to in this item as "Violative Conduct") or when the operator has requested, solicited or suggested that another person engage in Violative Conduct or when another person has assisted in Violative Conduct.
- (ii) When Dismantling Operator has obtained the license set forth in Article 60, Paragraph 1 (including renewal of the license set forth in Paragraph 2 of the same article) by wrongful means.
- (iii) When the facilities provided for use in the business operations of the person or the competence of the person is no longer in compliance with the standards specified by the ordinance of the competent minister set forth in Article 62, Paragraph 1, Item 1
- (iv) When Dismantling Operator has come to fall under any of the items in Article 62, Paragraph 1, Item 2, (a) through (j).

## **Section 4 License for Shredding and Sorting Operations**

(License for Shredding and Sorting Operations)

Article 67 (1) A person who intends to engage in Shredding and Sorting Operations shall obtain a license by the governor having jurisdiction over the location where these operations are to be carried out.

(2) Unless the license set forth in the preceding paragraph is renewed for each period of not less than five years specified by Cabinet Order, it is no longer valid once that period has elapsed.

(3) When an application for renewal set forth in the preceding paragraph has been made and when no disposition has been made for the application by the expiration date of the period set forth in the same paragraph (hereinafter referred to in this article as "Valid Period of the License"), the previous license shall continue to be in effect from the expiration date of the Valid Period of the License until the disposition has been made.

(4) In the case referred to in the preceding paragraph, when the license has been renewed, the Valid Period of the License shall be calculated from the day following the expiration date of the valid period of the previous license.

(Application for License)

Article 68 (1) An entity who intends to obtain a license set forth in Paragraph 1 of the preceding article (hereinafter referred to as the "Shredding and Sorting Operator License Applicant") shall submit a written application to the governor indicating the following matters.

(i) The name or designation, address in the case of a juridical person its representative

(ii) Scope of business operations

(iii) The name and address of business office

(iv) When the applicant is a juridical person, the name and address of its officers and when there is an employee specified by Cabinet Order, the name and address of the person

(v) When the applicant is a minor, the name and address of its legal representative

(vi) Overview of the facilities provided for use in the operations

(vii) Other matters specified by ordinance of the competent minister

(2) A written statement attesting to fact that the Shredding and Sorting Operation License Applicant is in compliance with Paragraph 1, Item 2 of the following article and other documents specified by ordinance of the competent minister shall be appended to the written application set forth in the preceding paragraph.

(Standards for License)

Article 69 (1) The governor shall not give the license set forth in the same paragraph, unless he/she has found that the application for the license set forth in Article 67, Paragraph 1 conforms to all of the following items.

(i) The facilities provided for use in the business operations and the competence of the Shredding and Sorting Operation License Applicant shall be in compliance with the standards specified by ordinance of the competent minister so that the applicant can reliably and sufficiently carry out the operation on a sustained basis.

(ii) The Shredding and Sorting Operation License Applicant shall not fall under any of the items in Article 62, Paragraph 1, Item 2-(a) through (j).

(2) When an application for license set forth in in Article 67, Paragraph 1 has been made and a disposition has been made not to grant the license, the governor shall notify the Shredding and Sorting Operation License Applicant to that effect without delay indicating the reason.

(License for Changes)

Article 70 (1) When Shredding and Sorting Operators intend to make changes to the scope of the business operations, they shall receive license from the governor as specified by ordinance of the competent minister.

(2) The provisions in the preceding article shall apply mutatis mutandis to the license pursuant to the provisions in the preceding paragraph.

(Notification of Changes)

Article 71 (1) When changes have been made to items in Article 68, Paragraph 1, Item 1 or from Item 3 to Item 7, the Shredding and Sorting Operators shall notify the governor to that effect within 30 days of the date of the changes.

(2) The provisions in Article 68, Paragraph 2 shall apply mutatis mutandis to the notification pursuant to the provisions of the preceding paragraph.

(Mutatis Mutandis Application)

Article 72 The provisions set forth in Article 64 through Article 66 shall apply mutatis mutandis to Shredding and Sorting Operators. In this case, the term "the license indicated in Article 60, Paragraph 1 (including renewal of the license indicated in Paragraph 2 of the same article)" in Article 66, Item 2 shall be deemed to be replaced with "the license set forth in Article 67, Paragraph 1 (including renewal of the license indicated in Paragraph 2 of the same article)" and the term "Article 62, Paragraph 1, Item 1" in Item 3 of the same article shall be deemed to be replaced with "Article 69, Paragraph 1, Item 1".



**Chapter 4 Recycling Deposit, etc.**

(Obligation to Deposit Recycling Deposit, etc.)

Article 73 (1) The owner of a Vehicle (except for those prescribed in Paragraph 3; the same shall apply hereinafter in this paragraph and the next paragraph) shall deposit with the Deposit Management Entity as a Recycling, etc. a deposit in an amount equivalent to the Recycling, etc. Fee for said Vehicle (the fee indicated in the middle column of the following Table made public pursuant to the provisions of Article 34, Paragraph 1 by the Vehicle Manufacturer, etc., which has to collect the Parts Specified for Recycling, etc. relating to said Vehicle pursuant to the classification of the Vehicle indicated in the upper column of the same Table (when there is no Vehicle Manufacturer, etc. or when the Vehicle Manufacturer, etc. cannot be notified (referred to in each of the following items as "When There is No Manufacturer"; the same shall apply hereinafter); the fee indicated in the lower column made public by the Designated Recycling Organization as prescribed in Article 108, Paragraph 1); the same shall apply in Paragraph 3) by the time said Vehicle has been first registered in the Vehicle Registration File (referred to as registration in Vehicle Registration File pursuant to the provisions of the Road Transport Vehicle Act, Article 4; the same shall apply hereinafter), for a light Vehicle prescribed in Article 3 of the same Act (except for Vehicles outside the scope of the inspections prescribed in Article 58, Paragraph 1 of the same Act) when the initial vehicle inspection certificate for said Vehicle (referred to as a delivery of vehicle inspection certificates provided in Article 60, Paragraph 1 or Article 71, Paragraph 4 of the same Act; the same shall apply hereinafter) has been delivered, for light Vehicles which are outside the scope of inspections prescribed in Article 58, Paragraph 1 of the same Act, when the Vehicle number of the Vehicle has been initially designated (indicated as a designation of Vehicle number as prescribed in Article 97-3, Paragraph 1 of the same Act; the same shall apply hereinafter in Paragraph 3).

(i) Vehicles with no Parts Designated for Recovery or Specified Air Conditioners installed	Fee prescribed in Article 34, Paragraph 1, Item 1	Fee prescribed in Article 108, Paragraph 1, Item 1
(ii) Vehicles with Parts Designated for Recovery installed (except for Vehicles indicated in the	Fee prescribed in Article 34, Paragraph 1, Item 1 and Item 2	Fee prescribed in Article 108, Paragraph 1, Item 1 and Item 2

upper column of Item 4		
(iii) Vehicles with Specified Air Conditioners Installed (except for Vehicles indicated in the upper column of the following item)	Fee prescribed in Article 34, Paragraph 1, Item 1 and Item 3	Fee prescribed in Article 108, Paragraph 1, Item 1 and Item 3
(iv) Vehicles with Parts Designated for Recovery and Specified Air Conditioners installed	Fee prescribed in Article 34, Paragraph 1, all Items	Fee prescribed in Article 108, Paragraph 1, all Items

- (2) After the owner of a Vehicle has had the Vehicle registered in the Vehicle Registration File as prescribed in the preceding paragraph or has received the initial vehicle inspection certificate or had the initial vehicle number registered and had the parts indicated in each of the following items installed in the Vehicle, the owner of the Vehicle shall make an additional deposit with the deposit Management Entity as a Recycling, etc. deposit in an amount equivalent to the fee indicated in the respective items by the time the Vehicle is delivered to the Collection Operator as an End-of-Life Vehicle.
- (i) Parts Designated for Recovery: Fee prescribed in Article 34, Paragraph 1, Item 2 relating to said Vehicle (when there is no manufacturer, the fee prescribed in Article 108, Paragraph 1, Item 2)
  - (ii) Specified Air Conditioners: Fee prescribed in Article 34, Paragraph 1, Item 3 relating to said Vehicle (when there is no manufacturer, the fee prescribed in Article 108, Paragraph 1, Item 3)
- (3) The owner of a Vehicle (restricted to Vehicles not requiring registration in the vehicle registration file, delivery of vehicle inspection certificates or designation of a vehicle numbers since it is not used for operations prescribed in Article 2, Paragraph 5 of the Road Transport Vehicle Act; the same shall apply hereinafter in this paragraph) shall deposit a sum equivalent to the Recycling, etc. Fee pertaining to said Vehicle as a Recycling, etc. deposit with the Deposit Management Entity by the time the Vehicle is delivered to the Collection Operator as an End-of-Life Vehicle.
- (4) The owner of a Vehicle who deposits Recycling, etc. deposit pursuant to the provisions of Paragraph 1 or the preceding paragraph shall deposit a sum equivalent to the information management fees pertaining to said Vehicle (the Information Management Entity prescribed in Article 114 (hereinafter referred to simply as "Information Management Entity" in this chapter, the next chapter and in Chapter 6, Section 1) refers to the fee set forth upon receiving authorization

from the competent minister specified by Cabinet Order relating to the information management operations in the same article carried out for said End-of-Life Vehicles when said Vehicle has become an End-of-Life Vehicle; the same shall apply hereinafter) to the Deposit Management Entity as the information management deposit.

- (5) When the authorization set forth in the preceding paragraph has been received, the Information Management Entity shall make public said information management fees as specified by ordinance of the competent minister.
- (6) The Deposit Management Entity, as specified by Cabinet Order, may request a person who deposits Recycling etc. deposit pursuant to Paragraph 1 to Paragraph 4 to deposit a fee specified by receiving authorization of the competent minister for management of Recycling, etc. deposit and the information management deposit (hereinafter referred to as "Recycling Deposit, etc.").
- (7) When the authorization set forth in the preceding paragraph has been received, the Deposit Management Entity shall make public said fee as specified by ordinance of the competent minister.

(Submitting Certification of Deposit)

- Article 74 (1) When a person who intends to have a Vehicle registered in the Vehicle registration file or to have a vehicle inspection certificate delivered (restricted to the registration of Vehicles in the initial Vehicle registration file or to delivery of the initial vehicle inspection certification as prescribed in Paragraph 1), he/she shall submit a written statement to the Minister of Land, Infrastructure, Transport and Tourism, etc. (the Minister of Land, Infrastructure, Transport and Tourism or the Head of the Regional Transport Agency mandated with the authority of the Minister, the Head of the Transport Surveillance Section or the Head of the Transport Branch Office or the Light Vehicle Inspection Association (indicating the Light Vehicle Inspection Association set up by the provisions of Chapter 5-2 of the Road Transport Vehicle Act, the same shall apply hereinafter), the same shall apply hereinafter) attesting to the fact that the owner of the Vehicle has deposited the Recycling Deposit, etc. relating to the Vehicle (hereinafter referred to as "Certification of Deposit") with the Deposit Management Entity; However, when the person notifies a Registration Information Processing Organization (referred to in the next paragraph simply as "Registration Information Processing Organization") as prescribed in Article 7, Paragraph 4 of the same Act, said notification being specified by Cabinet Order as corresponding to the Certification of Deposit entrusted to the Deposit Management Entity, said Certification of Deposit shall be deemed to be submitted to the Minister of Land, Infrastructure, Transport and Tourism, etc.
- (2) In the case of the Proviso in the preceding paragraph, the Minister of Land,

Infrastructure, Transport and Tourism shall make reference about the necessary matters to the Registration Information Processing Organizations as specified by the Ministry of Land, Infrastructure, Transport and Tourism ordinances.

(3) When no Certification of Deposit is submitted, the Minister of Land, Infrastructure, Transport and Tourism, etc. shall not register the Vehicle in the Vehicle registration file or deliver the vehicle inspection certificate as set forth in Paragraph 1.

(Interest)

Article 75 The Deposit Management Entity shall pay interest on the Recycling Deposit, etc. specified by ordinance of the competent minister.

(Payment of Recycling Deposit, etc.)

Article 76 (1) When Parts Specified for Recycling, etc. are collected from Fluorocarbons Recovery Operators, Dismantling Operators or Shredding and Sorting Operators pursuant to the provisions of Article 21, the Vehicle Manufacturers, etc. may request that the Deposit Management Entity make payment of Recycling etc. deposit deposited pursuant to the provisions of Article 73, Paragraph 1 through Paragraph 3 relating to the said Parts Specified for Recycling, etc. as specified by ordinance of the competent minister. In this case, the Vehicle Manufacturers, etc. requesting the payment shall submit to the Deposit Management Entity documents, etc. prescribed in the same paragraph indicating that the Information Management Entity has in fact received the request pursuant to the provisions of Article 85, Paragraph 1 and that matters attesting to the fact that the Parts Specified for Recycling, etc. have been collected reliably has been noted or recorded.

(2) When documents, etc. are to be submitted to the Deposit Management Entity indicated in the preceding paragraph, the Information Management Entity may be asked to send matters to be recorded or noted in the documents, etc. from a computer (including input and output devices; the same shall apply hereinafter) used by the Information Management Entity to a computer used by the Deposit Management Entity via telecommunications lines.

(3) The provisions set forth in the preceding two paragraphs above apply mutatis mutandis when the Designated Recycling Organization collects Parts Specified for Recycling, etc. as they relate to the operations prescribed in Article 106, Item 2.

(4) When the Dismantling Operators or the Shredding and Sorting Operators who have been commissioned by the Vehicle Manufacturers, etc. to implement Recycling of the Dismantled Vehicles pursuant to the provisions of Article 31, Paragraph 1 (hereinafter referred to in this article as "Commissioned

Dismantling Operators, etc.") have delivered the Dismantled Vehicles to Scrap Dealers of Whole Dismantled Vehicles., the Vehicle Manufacturers, etc. who have obtained the authorization indicated in Article 31, Paragraph 1 may request that the Deposit Management Entity make payment of a sum of Recycling etc., deposit deposited pursuant to the provisions of Article 73, Paragraph 1 through Paragraph 3, equivalent to the fee set forth in Article 34, Paragraph 1, Item 1 relating to the Dismantled Vehicles. In this case, the Vehicle Manufacturers, etc. making the request shall submit to the Deposit Management Entity written documents, etc. indicating that the Information Management Entity has received the request pursuant to the provisions of Article 85, Paragraph 3 and the matters recorded or noted attesting to the fact that the Commissioned Dismantling Operators have reliably delivered the Dismantled Vehicles to Scrap Dealers of Whole Dismantled Vehicles

- (5) The provisions set forth in Paragraph 2 apply mutatis mutandis to submission of written documents, etc. pursuant to the provisions of the preceding paragraph.
- (6) When reports pursuant to the provisions of Article 81, Paragraph 1 are made, the Information Management Entity may request that the Deposit Management Entity pay the information management deposit deposited pursuant to the provisions of Article 73, Paragraph 4 as regards matters relating to the reported End-of-Life Vehicles specified by ordinance of the competent minister.

(Succession, etc.)

Article 77 (1) In the event of succession and other types of general succession regarding the ownership of a Vehicle, the Recycling Deposit, etc. which has been deposited by said owner shall be considered as deposited by the successor to the owner or other general successor.

- (2) When ownership of a Vehicle is transferred, the Recycling Deposit, etc. deposited by the person having the ownership shall be considered as having been deposited by the transferee.

(Recovery of Recycling Deposit, etc.)

Article 78 (1) When a Vehicle is exported and in other instances set forth in Cabinet Order when it is not necessary to deposit a Recycling Deposit, etc., the owner of a Vehicle for which a Recycling Deposit, etc. has been deposited may recover the Recycling Deposit, etc. specified by ordinance of the competent minister.

- (2) When two years have elapsed from the date of a Vehicle has been exported (in cases where specified by Cabinet Order in the preceding paragraph, when specified by Cabinet Order), the rights to recovery pursuant to the provisions in the preceding paragraph shall expire on prescription.
- (3) A person who intends to recover the Recycling Deposit, etc. pursuant to the

provisions in the preceding paragraph shall pay the Deposit Management Entity a fee in an amount set when the Deposit Management Entity receives license from the competent minister specified by Cabinet Order.

(Delegation to Ordinance of the Competent Ministry)

Article 79 In addition to what is prescribed in this chapter, required matters relating to the deposit, payment and recovery of the Recycling Deposit, etc. shall be specified by ordinance of the competent minister.

## **Chapter 5 Report on Movements**

(Delivery of Written Documents)

Article 80 (1) When End-of-Life Vehicles are collected, pursuant to the provisions of ordinance of the competent minister, the Collection Operators shall deliver to the person requesting collection of the End-of-Life Vehicles written documents indicating his/her name or designation, the vehicle number of the End-of-Life Vehicle (including matters specified by ordinance of the competent minister as matters concerning this; the same shall apply hereinafter) and other matters specified by ordinance of the competent minister.

(2) Collection Operators with the approval of the entity requesting collection of the said End-of-Life Vehicles, may submit matters to be noted in said documentation by methods using electronic information processing systems or other types of information communications technology which are specified by ordinance of the competent minister, instead of delivering the written documents pursuant to the provisions of the preceding paragraph specified by Cabinet Order. In this case, the Collection Operators shall be deemed to have delivered said documentation.

(Report on Movements)

Article 81 (1) When End-of-Life Vehicles are collected as specified by ordinance of the competent minister, the Collection Operator shall report the name or designation of the person requesting collection of the End-of-Life Vehicles and vehicle number of the End-of-Life Vehicles and other matters specified by ordinance of the competent minister to the Information Management Entity within a period of time specified by ordinance of the competent minister.

(2) When End-of-Life Vehicles are delivered to Fluorocarbons Recovery Operators or Dismantling Operators (in case of transport is carried out to deliver the End-of-Life Vehicles to the Fluorocarbons Recovery Operator or Dismantling Operator by commissioned entities and it is when the End-of-Life Vehicles are delivered to the entities commissioned to transport the End-of-Life Vehicles), as specified by

- ordinance of the competent minister, the Collection Operator shall report the name or designation of the person taking delivery of the End-of-Life Vehicles, the vehicle numbers of the End-of-Life Vehicles and other matters specified by ordinance of the competent minister to the Information Management Entity within a period of time specified by ordinance of the competent minister.
- (3) When End-of-Life Vehicles are collected, as specified by ordinance of the competent minister, the Fluorocarbons Recovery Operators shall report the name or designation of the person requesting collection of the End-of-Life Vehicles, the Vehicle number of the End-of-Life Vehicles and other matters specified by the ordinance of the competent minister to the Information Management Entity within a period of time specified by ordinance of the competent minister.
- (4) When Fluorocarbons are delivered to Vehicle Manufacturers, etc. or Designated Recycling Organizations (in case of transportation necessary to deliver Fluorocarbons to the said Vehicle Manufacturers, etc. or Designated Recycling Organizations is commissioned to another party and when the Fluorocarbons are delivered to entities commissioned to transport the Fluorocarbons), as specified by ordinance of the competent minister, the Fluorocarbons Recovery Operators shall report the name or designation of the person taking delivery of the Fluorocarbons and the Vehicle number of the End-of-Life Vehicles pertaining to the Fluorocarbons to the Information Management Entity within a period of time specified by ordinance of the competent minister.
- (5) The Fluorocarbons Recovery Operators, as specified by ordinance of the competent minister, shall report to the Information Management Entity the amount of Fluorocarbons recovered and reused within the specified period of time, the Vehicle number of the End-of-Life Vehicles relating to the Fluorocarbons and other matters specified by ordinance of the competent minister for each period of time specified by ordinance of the competent minister.
- (6) When End-of-Life Vehicles are delivered to Dismantling Operators (in case of transport required to deliver the End-of-Life Vehicles to the Dismantling Operators is commissioned to another entity and when the End-of-Life Vehicles are delivered to entities commissioned to transport of the End-of-Life Vehicles), as specified by ordinance of the competent minister, the Fluorocarbons Recovery Operators shall report the name or designation of the person taking delivery of the End-of-Life Vehicles, the Vehicle number of the End-of-Life Vehicles and other matters specified by ordinance of the competent minister to the Information Management Entity within a period of time specified by ordinance of the competent minister.
- (7) When End-of-Life Vehicles or Dismantled Vehicles are collected, as specified by ordinance of the competent minister, the Dismantling Operators shall report the name or designation the person requesting collection of the End-of-Life Vehicle or

Dismantled Vehicle, the Vehicle number of the End-of-Life Vehicle or Dismantled Vehicle and other matters specified by ordinance of the competent minister within a period of time specified by ordinance of the competent minister to the Information Management Entity within a period of time specified by ordinance of the competent minister.

- (8) When Parts Designated for Recovery are delivered to Vehicle Manufacturers, etc. or to Designated Recycling Organizations (in case of transport required to deliver Parts Designated for Recovery to Vehicle Manufacturers, etc. or Designated Recycling Organizations is commissioned to another entity and when the Parts Designated for Recovery are delivered to an entity commissioned to transport the Parts Designated for Recovery), as specified by ordinance of the competent minister, the Dismantling Operators shall report the name or designation of the person taking delivery of the Parts Designated for Recovery, the Vehicle number of the End-of-Life Vehicles relating to the Parts Designated for Recovery and other matters specified by ordinance of the competent minister to the Information Management Entity within a period of time specified by ordinance of the competent minister.
- (9) When End-of-Life Vehicles or Dismantled Vehicles are delivered to other Dismantling Operators, Shredding and Sorting Operators or Scrap Dealers of Whole Dismantled Vehicles (in case of transport for delivery of the End-of-Life Vehicles or Dismantled Vehicles to other Dismantling Operators, Shredding and Sorting Operators or Scrap Dealers of Whole Dismantled Vehicles is commissioned to another entity and when the End-of-Life Vehicles or Dismantled Vehicles are delivered to the entity commissioned with transporting the End-of-Life Vehicles or Dismantled Vehicles), as specified by ordinance of the competent minister, the Dismantling Operators shall report to the Information Management Entity within a period of time specified by ordinance of the competent minister the name or designation of the person taking delivery of the End-of-Life Vehicle or Dismantled Vehicle (when the Dismantled Vehicle involves the commissioning of Recycling of the whole Vehicle Manufacturers, etc. upon the authorization of the competent minister pursuant to the provisions of Article 31, Paragraph 1, the gist of this as well as the name or designation of Scrap Dealers of Whole Dismantled Vehicles taking delivery of the End-of-Life Vehicles or Dismantled Vehicles), the Vehicle number of the End-of-Life Vehicles or Dismantled Vehicles and other matters specified by ordinance of the competent minister.
- (10) When Dismantled Vehicles are collected, as specified by ordinance of the competent minister, the Shredding and Sorting Operators shall report the name or designation of the person requesting collection of the Dismantled Vehicles, the Vehicle number of the Dismantled Vehicles and other matters specified by the ordinance of the competent minister to the Information Management Entity



within a period of time specified by ordinance of the competent minister.

- (11) When the Dismantled Vehicles are delivered to other Shredding and Sorting Operators or Scrap Dealers of Whole Dismantled Vehicles (in case of transport for delivery of the Dismantled Vehicles is commissioned to another Shredding and Sorting Operator or Scrap Dealers of Whole Dismantled Vehicles, when the Dismantled Vehicle is delivered to an entity commissioned to transport the Dismantled Vehicle), as specified by ordinance of the competent minister, the Shredding and Sorting Operator shall report to the Information Management Entity the name or designation of the person taking delivery of the Dismantled Vehicles (in case of the Dismantled Vehicles involve commissioning of Recycling of the whole dismantled vehicles by Vehicle Manufacturers, etc. authorized by the competent ministry pursuant to the provisions of Article 31, Paragraph 1, the gist of this as well as the name or designation of Scrap Dealers of Whole Dismantled Vehicles taking delivery of the End-of-Life Vehicles and Dismantled Vehicles), the Vehicle number of the Dismantled Vehicles and other matters specified by ordinance of the competent minister within a period of time specified by ordinance of the competent minister.
- (12) When Automobile Shredder Residue is delivered to Vehicle Manufacturers, etc. or Designated Recycling Organizations (in case of transport to deliver Automobile Shredder Residue to Vehicle Manufacturers, etc. or Designated Recycling Organizations is commissioned to another entity, when Automobile Shredder Residue is delivered to an entity commissioned to transport the Automobile Shredder Residue), as specified by ordinance of the competent minister, the Shredding and Sorting Operators shall report to the Information Management Entity the name or designation of the person taking delivery of the Automobile Shredding Residue, the Vehicle number of the End-of-Life Vehicles related to the Automobile Shredding Residue and other matters specified by ordinance of the competent minister within a period of time specified by ordinance of the competent minister.
- (13) When Parts Specified for Recycling, etc. are collected as specified by ordinance of the competent minister, the Vehicle Manufacturers, etc. and the Designated Recycling Organizations shall report the name or designation of the person requesting collection of the Parts Specified for Recycling, etc., the vehicle number of the End-of-Life Vehicles related to the Parts Specified for Recycling, etc. and other matters specified by ordinance of the competent minister to the Information Management Entity within a period of time specified by ordinance of the competent minister.

(Method of Report on Movements)

Article 82 (1) The Related Business Operators, Vehicle Manufacturers, etc. or

Designated Recycling Organizations (hereinafter referred to in this chapter comprehensively as "Related Business Operators, etc.") shall use electronic information processing systems (indicating electronic information processing systems connecting computers used by the Information Management Entity and computers used by Related Business Operators, etc. using telecommunications lines; the same shall apply hereinafter) for reports (hereinafter referred to comprehensively as "Reports on Movements") pursuant to the provisions of ordinance of the competent minister.

- (2) The Report on Movements made pursuant to the provisions of the preceding paragraph shall be recorded in files provided for electronic computers used by the Information Management Entity (except for Article 89, Item 3, hereinafter referred to simply as "Files") and shall be deemed to have arrived at the Information Management Entity when they are recorded in the Files.
- (3) When the Related Business Operators, etc. request that the Information Management Entity pay a fee in an amount specified by the Information Management Entity upon the authorization of the competent minister and record the matters indicated in the documents relating to the Report on Movements in the File specified by Cabinet Order, notwithstanding the provisions of Paragraph 1, they may submit the Report on Movements in writing, as specified by ordinance of the competent minister.
- (4) When a Report on Movements is submitted in writing pursuant to the provisions of the preceding paragraph, the Information Management Entity shall enter the matters listed in the written document in the File as specified by ordinance of the competent minister.
- (5) Matters recorded in the File pursuant to the provisions of the preceding paragraph regarding the Report on Movements submitted in writing are assumed to coincide with the matters recorded in the written document.
- (6) When it is found that the matters recorded in the File set forth in the preceding paragraph do not coincide with the matters recorded in the written document set forth in the same paragraph, the Information Management Entity shall immediately revise the matters recorded in the File.
- (7) When it is found that the matters recorded in the File indicated in Paragraph 5 relating to the Report on Movements made by the Related Business Operator, etc., do not coincide with the matters recorded in the written document set forth in the same paragraph, the Related Business Operator, etc. may report this fact to the Information Management Entity.

(Special Provisions of Methods of Report on Movements)

Article 83 (1) When the telecommunications lines have broken down and when the Report on Movements cannot be made using another electronic information

processing system and this is specified by the ordinance of the competent minister, the Related Business Operators, etc. may submit the Report on Movements on magnetic disk instead of the electronic information processing system specified by ordinance of the competent minister.

- (2) When the Report on Movements is submitted on magnetic disk pursuant to the provisions of the preceding paragraph, the Information Management Entity shall record the matters recorded on the magnetic disk in the Files specified by ordinance of the competent minister.

(Preservation of Records in Files)

Article 84 The Information Management Entity shall preserve the records on files relating to the information reported on in the Report on Movements for a period specified by ordinance of the competent minister from the date of the Report on Movements is received.

(Request, etc. for Access to Files)

Article 85 (1) The Related Business Operators, etc. may request that the Information Management Entity provide access using an electronic information processing system (hereinafter referred to as "Access to Files") or delivery of written documents containing the matters or a magnetic disk with these matters recorded (hereinafter referred to as "Written Documents, etc.") regarding matters recorded in the Files and the End-of-Life Vehicles, Dismantled Vehicles or Parts Specified for Recycling, etc. (hereinafter referred to in this chapter comprehensively as "End-of-Life Vehicles, etc.") collected by these entities as specified by ordinance of the competent minister.

- (2) When the Related Business Operators, etc. (except for Collection Operators) are requested to collect the End-of-Life Vehicles, etc., they may request that the Information Management Entity provide access to the Files or deliver the Written Documents, etc. regarding matters recorded in the Files relating to the End-of-Life Vehicles, etc. which they have been required to collect specified by ordinance of the competent minister.

- (3) The Vehicle Manufacturers, etc. who have received authorization set forth in Article 31, Paragraph 1 may request that the Information Management Entity provide access to the Files or deliver the Written Documents, etc. regarding matters recorded in the Files and regarding Dismantled Vehicles for which the Vehicle Manufacturers, etc. have received authorization and to whom the implementation of Recycling of the whole dismantled vehicles has been commissioned.

- (4) A person who requests the delivery of the Written Documents, etc. pursuant to the provisions of the preceding three paragraphs above shall pay to the

Information Management Entity a fee in an amount specified by the Information Management Entity which has been approved by the competent minister as specified by Cabinet Order.

Article 86 The Deposit Management Entity may request that the Information Management Entity provide access to the Files or deliver the Written Documents, etc. regarding matters recorded in the Files.

(Request for Inquiry)

Article 87 A person who has delivered an End-of-Life Vehicle to a Collection Operator may request that the Collection Operator make an inquiry of the Information Management Entity regarding matters recorded in the Files and relating to the End-of-Life Vehicle. In this case, unless there are justifiable grounds, the Collection Operator shall request that the Information Management Entity provide access to the Files or deliver the Written Documents, etc. pursuant to the provisions of Article 85, Paragraph 1 and shall respond to that person.

(Report, etc. to Governor)

Article 88 (1) When a report pursuant to the provisions of Article 81, Paragraph 2, Paragraph 6, Paragraph 8, Paragraph 9, Paragraph 11 or Paragraph 12 (hereinafter referred to in this article as "Report on Implementing Delivery After Collection") which shall be made by the entity making the Report on Implementing Delivery after Collection has not been received within the period of time specified by ordinance of the competent minister after the report (hereinafter referred to in this article as "Report on Implementing Collection") pursuant to the provisions of Article 81, Paragraph 1, Paragraph 3, Paragraph 7 or Paragraph 10 was received, the Information Management Entity shall notify the person making the Report on Implementing Collection to this effect without delay.

(2) When a report (hereinafter referred to in this article as "Report on Implementing Collection after Delivery") pursuant to the provisions of Article 81, Paragraph 3, Paragraph 7, Paragraph 10 or Paragraph 13 is to be made by the entity (hereinafter referred to in this article simply as "Person Taking Delivery") taking delivery of the End-of-Life Vehicles reported on in the Report on Implementing Delivery within a period of time specified by ordinance of the competent minister after the report (in the report pursuant to the provisions of Article 81, Paragraph 9 or Paragraph 11, this does not apply to delivery to Scrap Dealers of Whole Dismantled Vehicles. Hereinafter referred to in this article as "Report on Implementing Delivery") pursuant to the provisions of Article 81, Paragraph 2, Paragraph 4, Paragraph 6, Paragraph 8, Paragraph 9, Paragraph

11 or Paragraph 12 was received, the Information Management Entity shall notify the person making the Report on Implementing Delivery to this effect without delay.

- (3) The person receiving the notification set forth in the preceding paragraph shall confirm the status of the collection or delivery of the End-of-Life Vehicle, etc. without delay by making an inquiry with the person commissioned to transport the End-of-Life Vehicles, etc. by the person taking delivery or the person receiving notification or by another method.
- (4) When a Report on Implementing Delivery After Collection to be made by the entity making the Report on Implementing Collection in Paragraph 1 has not been received even after the period of time specified by ordinance of the competent minister has elapsed after the notification indicated in Paragraph 1 has been made as specified by ordinance of the competent minister, the Information Management Entity shall report to the governor without delay that there is likely that the End-of-Life Vehicles, etc. may not be collected or delivered as is appropriate in addition to the name or designation of the entity making the Report on Implementing Collection, the Vehicle number of the End-of-Life Vehicles, etc. (when these are Parts Specified for Recycling, etc., the vehicle number of the End-of-Life Vehicles related to the Parts Specified for Recycling, etc.; the same shall apply hereinafter in this paragraph) and other matters specified by ordinance of the competent minister.
- (5) When the Report on Implementing Collection After Delivery to be made by the person taking delivery set forth in Paragraph 2 has not been received even after the period of time specified by ordinance of the competent minister after the notification indicated in Paragraph 2 has been made, specified by ordinance of the competent minister, the Information Management Entity shall report to the governor without delay that it is likely that the End-of-Life Vehicles, etc. may not be collected or delivered as is appropriate in addition to the name or designation of the entity making the Report on Implementing Delivery relating to the notification, the Vehicle number of the End-of-Life Vehicles, etc. and other matters set forth in the competent ministry.
- (6) When the report pursuant to the provisions of Article 81, Paragraph 5 has not been received from the Fluorocarbons Recovery Operators or when the matters prescribed in the same paragraph have not been recorded or noted in the Report, as specified by the ordinance of the competent minister, the Information Management Entity shall report to the governor the name or designation of the Fluorocarbons Recovery Operators and other matters specified by ordinance of the competent minister.

(Notification Based on Electronic Information Processing System)

Article 89 (1) The Information Management Entity may use an electronic information processing system for notifications (hereinafter referred to as "Confirmation Notification") pursuant to the provision in Paragraph 1 or Paragraph 2 of the preceding article as specified by ordinance of the competent minister with the approval of the Related Business Operators receiving the Confirmation Notification.

(2) When a Report on Movements is made using an electronic information processing system, the Related Business Operators shall not refuse to grant approval set forth in the preceding paragraph for the Confirmation Notification pertaining to the Report on Movements unless there is a justifiable ground.

(3) A Confirmation Notification made using an electronic information processing system pursuant to the provision of Paragraph 1 shall be deemed to have reached a Related Business Operator when a recording is made in the Files provided in the computer used by the Related Business Operators.

(Recommendations and Orders)

Article 90 (1) When the governor has found that the Related Business Operators are not in compliance with the provisions of Article 80, Paragraph 1, Article 81, Paragraph 1 through Paragraph 12 or the provisions of Article 87, he/she may recommend that the Related Business Operators take the necessary measures.

(2) When the competent minister has found that the Vehicle Manufacturers, etc. are not in compliance with the provisions of Article 81, Paragraph 13, he/she may recommend that the Vehicle Manufacturers, etc. take the necessary measures.

(3) When a Related Business Operator who has received a recommendation prescribed in Paragraph 1 has not taken the measures related to the recommendation without a justifiable ground, the governor may order the Related Business Operator to take the measures pertaining to the recommendation.

(4) When a Vehicle Manufacturer, etc. who has received a recommendation prescribed in Paragraph 2 has not taken the measures pertaining to the recommendation without a justifiable ground, the competent minister may order said Vehicle Manufacturer, etc. to take the measures pertaining to the recommendation.

(Delegation to Ordinance of the Competent Ministry)

Article 91 In addition to what is prescribed in this chapter, matters required for the Report on Movements and providing information pertaining to the Report on Movements are specified by the Ordinance of the Competent ministry.

## **Chapter 6 Designated Entity**

## **Section 1 Deposit Management Entity**

(Designations, etc.)

- Article 92 (1) The competent minister may designate a juridical person whose purpose is not profit and which is found to be able to conduct in a proper and reliable manner the business prescribed in the next article (hereinafter referred to as the "Deposit Management Business") as a Deposit Management Entity in response to an application therefrom, limited to one throughout the country.
- (2) The competent minister shall publicly notify the name and address or location of the office of said Deposit Management Entity when making a designation pursuant to the provisions of the preceding paragraph.
- (3) When a Deposit Management Entity intends to change its name, address or location of the office, it shall notify the competent minister of that fact in advance.
- (4) When there is a notification pursuant to the provisions of the preceding paragraph, the competent minister shall publicly notify the matters pertaining to the notification.

(Business)

Article 93 A Deposit Management Entity shall conduct the following business:

- (i) Conducting the management of a Recycling Deposit, etc.
- (ii) Making certification relating to the deposit of a Recycling Deposit, etc.
- (iii) Conduct business incidental to the business listed in the preceding two items.

(Deposit Management Business Rules)

- Article 94 (1) When conducting Deposit Management Business, a Deposit Management Entity shall specify Deposit Management Business Rules for the method of implementing the Deposit Management Business and other matters specified by ordinance of the competent minister and obtain authorization thereof before commencing. The same shall apply to cases where a change is made in such matters.
- (2) When the competent minister has found that the application for authorization of the preceding paragraph conforms to all of the following items, he/she shall make the authorization set forth in same paragraph.
- (i) The implementation method of the Deposit Management Business is specified in a proper and clear manner.
  - (ii) The application does not provide specific persons with unjust discriminatory treatment.
  - (iii) The application is not likely to unjustly harm the interests of Related

Business Operators, Vehicle Manufacturers, etc.

- (3) When the competent minister has found that the Deposit Management Business Rules with the authorization set forth in Paragraph 1 have become inappropriate in terms of proper and reliable implementation of the Deposit Management Business, he/she may order those Deposit Management Business Rules to be changed.
- (4) When a Deposit Management Entity obtains the authorization set forth in Paragraph 1, it shall publicize its Deposit Management Business Rules without delay.

(Business Plans, etc.)

Article 95 (1) Each business year, a Deposit Management Entity shall prepare a business plan and an income and expenditure budget relating to the Deposit Management Business pursuant to the provisions of ordinance of the competent minister and obtain approval from the competent minister. The same shall apply to cases where a change is made to such items.

- (2) When a Deposit Management Entity obtains the approval set forth in the preceding paragraph, it shall publicize the business plan and the income and expenditure budget without delay.
- (3) After each business year ends, a Deposit Management Entity shall prepare a business report and an income and expenditure settlement document relating to the Deposit Management Business, submit the same to the competent minister, and publicize the same pursuant to the provisions of ordinance of the competent minister.

(Discontinuance and Abolition of Business)

Article 96 A Deposit Management Entity shall not discontinue or abolish all or a part of its Deposit Management Business without obtaining license from the competent minister.

(Investment of Recycling Deposit, etc.)

Article 97 (1) The Deposit Management Entity shall not invest a Recycling Deposit, etc., other than by the following methods.

- (i) Ownership of national government bonds or other securities designated by the competent minister
- (ii) Deposit in a bank or other financial institutions designated by the competent minister
- (iii) A financial trust in a financial institution operating a trust business (referring to financial institutions having obtained the approval of the Act on Provisions, etc. of Trust Business by Financial Institutions (Act No. 43 of 1943),



Article 1, Paragraph 1)

- (2) The Deposit Management Entity shall separate and organize the accounting relating to a Recycling Deposit, etc. and other accounting as specified by ordinance of the competent minister.

(Handling Specified Recycling Deposit, etc.)

Article 98 (1) When a Recycling Deposit, etc. (including interest; the same shall apply hereinafter in this article) managed by a Deposit Management Entity (hereinafter referred to as the "Specified Recycling Deposit, etc.") shall fall under any of the following items, the Deposit Management Entity may make a contribution with approval from the competent minister as specified by Cabinet Order on the condition that the Specified Recycling Deposit, etc. is allocated as an expense required for implementation of the Deposit Management Business or allocated as a expense required for the business of Article 106, Item 2 to Item 5 for the Designated Recycling Organization, or on the condition that the Specified Recycling Deposit, etc. is allocated as a expense required for the information management business prescribed in Article 114 for an Information Management Entity.

- (i) A Recycling Deposit, etc. in the case where the right of recovery of Article 78, Paragraph 1 pertaining to the owner of a Vehicle for which the Recycling Deposit, etc. has been deposited, has lapsed pursuant to the provisions of Article 78, Paragraph 2.
- (ii) A Recycling, etc. deposit (limited to that corresponding to the fee specified in Article 34, Paragraph 1, Item 1 or the fee specified in Article 108, Paragraph 1, Item 1) pertaining to Dismantled Vehicles which have been transferred to Scrap Dealers of Whole Dismantled Vehicles (excluding cases where the Dismantled Vehicles pertaining to an entrustment for Recycling of the whole dismantled vehicles carried out by a Vehicle Manufacturer, etc. which has obtained approval from the competent minister pursuant to the provisions of Article 31, Paragraph 1).
- (iii) A Recycling, etc. deposit pertaining to the destruction of Fluorocarbons in cases where Fluorocarbon Recovery Operators are Recycling said Fluorocarbons.
- (iv) A Recycling Deposit, etc. in cases where there are no requests for payment within the time period of twenty years (hereinafter referred to in this item as the "Time Limit") from the date on which a Vehicle for which the Recycling Deposit, etc. was deposited last received the issuance of a vehicle inspection certificate or the return of a vehicle inspection certificate (referring to the return of vehicle inspection certificate pursuant to the provisions of the Road Transport Vehicle Act, Article 62, Paragraph 2 (including the case where it is

applied mutatis mutandis pursuant to Article 67, Paragraph 4 of the same Act); the same shall apply hereinafter) pursuant to the provisions of Article 76, Paragraph 1 (including the case where it is applied mutatis mutandis pursuant to Paragraph 3 of the same article), Paragraph 4, or Paragraph 6 for Recycling, etc. deposit or information management deposit pertaining to Parts Specified for Recycling, etc. (excluding the Recycling Deposit, etc. listed in the preceding three items and in cases where the owner of the Vehicle notifies the Deposit Management Entity of the fact that the Vehicle will continue to be used even after the Time Limit as specified by ordinance of the competent minister).

- (v) In addition to what is listed in the preceding items above, the Recycling Deposit, etc. in the case where the competent minister has found that payment is not required pursuant to the provisions of Article 76, Paragraph 1, Paragraph 4 and Paragraph 6.
- (2) A Deposit Management Entity may assume a portion of the Recycling, etc. deposit to be deposited by the owner of the Vehicle pursuant to the provisions of Article 73, Paragraph 1 and Paragraph 3 during the time period specified by the Deposit Management Entity (referred to as the "Specified Time Period" in the next paragraph) if there is a Specified Recycling Deposit, etc. exceeding the amount specified by ordinance of the competent minister after the Deposit Management Entity allocates the Specified Recycling Deposit, etc. as expenses required for implementation of its Deposit Management Business pursuant to the provisions of the preceding paragraph or as a contribution to a Designated Recycling Organization or an Information Management Entity.
- (3) In the case set forth in the preceding paragraph, the Deposit Management Entity shall specify in advance a plan for defining the Specified Time Period, the amount to be assumed (referred to as the "Burden Charge" in Paragraph 5) and other matters specified by ordinance of the competent minister pursuant to what is specified by Cabinet Order and obtain approval from the competent minister.
- (4) When the Deposit Management Entity shall obtain the approval set forth in the preceding paragraph, it shall publicize the plan without delay.
- (5) Regarding the application of the provisions of Article 78, Paragraph 1 concerning the Vehicle in the case where a Deposit Management Entity assumes a portion of Recycling, etc. deposit to be deposited by the owner of the Vehicle pursuant to the provisions of Paragraph 2, the term "recover the Recycling Deposit, etc." in Article 78, Paragraph 1 shall be deemed to be replaced with "recover the amount after deducting the Burden Charge and the interest therefor from the Recycling Deposit, etc.".

(Deposit Management Business Consultation Committee)

Article 99 (1) The Deposit Management Entity shall establish a Deposit

Management Business Consultation Committee.

- (2) The Deposit Management Business Consultation Committee may study and deliberate upon the operation of the Recycling Deposit, etc., the handling of the Specified Recycling Deposit, etc., and other important matters relating to the implementation of the Deposit Management Business in response to consultation with the representative of the Deposit Management Entity, and may express opinions related thereto that are recognized as important to the representative of the Deposit Management Entity.
- (3) The representative of the Deposit Management Entity shall appoint Members of the Deposit Management Business Consultation Committee who shall have great knowledge relating to economics or finance, other academic experiences and experience with the opinions of general consumers and who shall have been approved by the competent minister.

(Preparation of the Account Book)

Article 100 The Deposit Management Entity shall provide account books and notes, records, and preserve matters specified by ordinance of the competent minister relating to Deposit Management Business pursuant to the provisions of ordinance of the competent minister.

(Dismissal Order)

Article 101 When an officer of the Deposit Management Entity should violate this Act or an order or disposition based on this Act, should commit an act violating the Deposit Management Business Rules provided in Article 94, Paragraph 1, whereby approval was obtained, or should commit a markedly inappropriate act relating to the Deposit Management Business, the competent minister may order the Deposit Management Entity to dismiss the officer.

(Reports and On-site Inspections)

Article 102 (1) To the extent necessary for enforcement of this Act, the competent minister may have the Deposit Management Entity prepare important reports relating to the Deposit Management Business or the status of assets, and may have officials of the Ministry enter the office of the Deposit Management Entity to inspect the status of the Deposit Management Business, the account book, documents, and other objects.

- (2) The members of the officials who conduct on-site inspections pursuant to the provisions of the preceding paragraph shall carry an identification card and produce it to the people concerned.
- (3) The authority for the on-site inspection pursuant to the provisions of Paragraph 1 shall not be interpreted to be approval for a criminal investigation.

(Supervision Order)

Article 103 When the competent minister has found it necessary to enforce this Act, he/she may give the Deposit Management Entity orders necessary for supervision with respect to the Deposit Management Business.

(Rescission, etc. of the Designation)

Article 104 (1) When the Deposit Management Entity falls under any of the following items, the competent minister may rescind the designation pursuant to the provisions of Article 92, Paragraph 1 (hereinafter referred to simply as the "Designation" in this article).

- (i) When it is found that the Deposit Management Business cannot be implemented in a proper and reliable manner.
  - (ii) When there is a wrongful act relating to designation.
  - (iii) When the Deposit Management Entity has violated this Act or an order or disposition given under this Act, or has conducted the Deposit Management Business not pursuant to the Deposit Management Business Rules provided in Article 94, Paragraph 1 whereby the approval was obtained.
- (2) When the competent minister rescinds the designation pursuant to the provisions of the preceding paragraph, he/she shall publicly notify the fact.
- (3) When the Recycling Deposit etc. exists when a designation is rescinded pursuant to the provisions of Paragraph 1, the juridical person pertaining to that designation rescission shall promptly deliver the Recycling Deposit, etc. to the Deposit Management Entity designated by the competent minister.

(3)

In addition to what is specified in the preceding paragraph, the handing over of the Deposit Management Business as well as other necessary matters in the case where designation is rescinded pursuant to the provisions of Paragraph 1 shall be specified by the competent minister.

## **Section 2 Designated Recycling Organizations**

(Designations)

Article 105 The competent minister may designate a juridical person whose purpose is not profit and which is found to be able to conduct in a proper and reliable manner the business prescribed in the next article (hereinafter referred to as the "Recycling, etc. Business") as a Designated Recycling Organization in response to an application therefrom, limited to one throughout the country.

(Business)

Article 106 (1) A Designated Recycling Organization shall conduct the following business:

- (i) Receiving commissions from a vehicle manufacturer, the number of vehicles manufactured, etc. by whom is less than the number specified by ordinance of the competent minister (hereinafter "Specified Vehicle Manufacturers, etc.") and implementing the acts required for the Recycling, etc. of Parts Specified for Recycling, etc. that shall be done by said Specified Vehicle Manufacturers, etc.
- (ii) Implementing the acts required for Recycling, etc. of Parts Specified for Recycling, etc. for which no Vehicle Manufacturers, etc. exist to collect pursuant to the provisions of Article 21 or for which ascertainment of said Vehicle Manufacturers, etc. cannot be made.
- (iii) Making a contribution of funds for allocation to expenses required for measures to a municipality and otherwise cooperating therewith in the case where a proposal is received from the head of said municipality, and said municipality, being an area specified by Cabinet Order as an isolated region for which the competent minister has provided public notice of the fact that said region falls under the conditions specified by ordinance of the competent minister as a region in which there is an impediment to delivering End-of-Life Vehicles to a Collection Operator, has taken measures for transport in order to deliver End-of Live Vehicles to a Collection Operator therefrom or otherwise remove said impediment.
- (iv) Contribution of funds to local governments taking measures to remove, etc. impediments pursuant to the provisions of the Waste Disposal Act, Article 19-7, Paragraph 1 or Article 19-8, Paragraph 1 and otherwise cooperating therewith in the case where End-of-Life Vehicles, Dismantled Vehicles, Parts Specified for Recycling, etc., or waste generated accompanying the disposal thereof has been improperly dispose of.
- (v) Collecting the Dismantled Vehicles or Parts Specified for Recycling, etc. removed by the head of a local government pursuant to the provisions of the Waste Disposal Act, Article 19-7, Paragraph 1 or Article 19-8, Paragraph 1 and implementing the acts necessary to Recycle, etc. same in the case provided in the preceding item.
- (vi) In addition to what is listed in the preceding item, collecting Dismantled Vehicles or Parts Specified for Recycling, etc. for which collection or delivery has not been carried out properly and implementing the acts necessary for Recycling, etc. thereof at the request of a local government or other entity shall be carried out.
- (vii) Carrying out the studies necessary as well as dissemination and promotion of knowledge relating to implementation of collecting, delivery, and Recycling, etc.

of End-of-Life Vehicles, Dismantled Vehicles and Parts Specified for Recycling, etc.

- (viii) Handling inquiries from vehicle owners, Related Business Operators, Vehicle Manufacturers, etc. and other parties relating to the collection and delivery of End-of-Life Vehicles, Dismantled Vehicles, and Parts Specified for Recycling, etc. as well as the implementation of Recycling, etc. thereof.
- (ix) Conducting business incidental to that listed in the preceding items.

(Special Provisions of Licenses, etc. for Dismantling Operations)

Article 107 (1) When conducting the business listed in Item 5 or Item 6 of the preceding article, Designated Recycling Organizations and entities receiving entrustment therefrom may carry out the acts necessary for that business in the course of trade without obtaining license pursuant to these rules regardless of the provisions of Article 60, Paragraph 1 and Article 67, Paragraph 1.

(2) When a Designated Recycling Organization entrusts the acts prescribed in the preceding paragraph to another entity, it shall abide by the standards specified by Cabinet Order.

(3) When a Dismantling Operator, Shredding and Sorting Operator, or Vehicle Manufacturer, etc receives the entrustment of the preceding paragraph and carries out the acts provided in Paragraph 1, the provisions of Chapter 2 and Chapter 5 shall not apply thereto.

(Publication of Fees Pertaining to Recycling, etc.)

Article 108 (1) A Designated Recycling Organization shall specify and publicize the fees specified in the following items in advance for Recycling, etc. listed in the said items pertaining to vehicles that are the object of the business listed in Article 106, Item 2 pursuant to the provisions of ordinance of the competent minister.

(i) Recycling of Automobile Shredder Residue: The fees relating to the acts necessary for Recycling the Automobile Shredder Residue pertaining to said Vehicles carried out by the Designated Recycling Organization

(ii) Recycling of Parts Designated for Recovery: The fees relating to the acts (including payment of the Designated Recovery Fee pertaining to Parts Designated for Recovery) necessary for Recycling Parts Designated for Recovery pertaining to said vehicles carried out by the Designated Recycling Organization

(iii) Destruction of Fluorocarbons: The fees relating to the acts (including the payment of Fluorocarbons Recovery Fee pertaining to said Fluorocarbons) necessary for destroying the Fluorocarbons filled in Specified Air Conditioners installed in said vehicles carried out by the Designated Recycling Organization

(2) A Designated Recycling Organization shall specify and publicize the fees relating to the business listed in Article 106, Item 6 beforehand pursuant to what is specified by ordinance of the competent minister. The same shall apply to any change to such fees.

(Recycling, etc. Business Rules)

Article 109 (1) When carrying out Recycling, etc. Business, a Designated Recycling Organization shall specify the Recycling, etc. Business Rules for the implementation method of the Recycling, etc. Business, the calculation method of the fee amount pertaining to the entrustment of Article 106, Item 1 (hereinafter referred to as the "Commission Fee"), the fees specified in the items in Paragraph 1 of the preceding article, the Fluorocarbons Recovery Fee, the Designated Recovery Fee, the fees relating to the business listed in Article 106, Item 6, and other matters specified by ordinance of the competent minister before commencing and obtain authorization from the competent minister. The same shall apply to cases where a change is made to the Recycling, etc. Business Rules.

- (2) When the competent minister has found that the application for approval of the preceding paragraph conform to all of the following items, he/she shall make the approval set forth in the same paragraph.
- (i) The application specifies the implementation method of the Recycling, etc. Business, the calculation method of the Commission Fee amount, the fees specified in the items of Paragraph 1 of the preceding article, the Fluorocarbons Recovery Fee, the Designated Recovery Fee, and the fees relating to the business listed in Article 106, Item 6 in a proper and clear manner.
  - (ii) The application specifies the responsibility of Designated Recycling Organization or the person who concludes a contract pertaining to the entrustment of Article 106, Item 1 (hereinafter referred to as the "Recycling, etc. Contract") or a contract to implement the acts necessary for Recycling, etc. of Parts Specified for Recycling, etc. with the Designated Recycling Organizations, and matters related to the acceptance of the Commission Fee in a proper and clear manner.
  - (iii) The application does not provide specific persons with unjust discriminatory treatment.
  - (iv) The application is not likely to unjustly harm the interests of Vehicle owners, Related Business Operators, and Vehicle Manufacturers, etc.
- (3) When the competent minister has found that the Recycling, etc. Business Rules with the approval set forth in Paragraph 1 have become inappropriate in terms of proper and reliable implementation of the Recycling, etc. Business, he/she may order the Recycling, etc. Business Rules to be changed.

(Business Plans, etc.)

Article 110 (1) Each business year, a Designated Recycling Organization shall prepare a business plan and an income and expenditure budget relating to the Recycling, etc. Business pursuant to the provisions of ordinance of the competent minister and obtain approval from the competent minister. The same shall apply to cases where a change is made to such items.

(2) After each business year ends, a Designated Recycling Organization shall prepare a business report and an income and expenditure settlement document relating to the Recycling, etc. Business, and submit same to the competent minister pursuant to the provisions of ordinance of the competent minister.

(Separation in Accounting)

Article 111 A Designated Recycling Organization shall prepare and separate the accounting relating to the business listed in Article 106, Item 2 through Item 5 from other accounting.

(Conclusion and Cancellation of Recycling, etc. Contracts)

Article 112 (1) In a case where the applicant of a Recycling, etc. Contract is a Specified Vehicle Manufacturers, etc., which has concluded a Recycling, etc. Contract in the past, when a Designated Recycling Organization shall not refuse conclusion of the Recycling, etc. Contract except when there is a Commission Fee said applicant has not paid exceeding the payment due date or when there are otherwise justifiable grounds specified by the ordinance of the competent minister.

(2) A Designated Recycling Organization shall not cancel the Recycling, etc. Contract except when Recycling, etc. of all Parts Specified for Recycling, etc. pertaining to the Recycling, etc. Contract of a Specified Vehicle Manufacturers, etc. that concluded that Recycling, etc. Contract has done or when there are otherwise justifiable grounds specified by the ordinance of the competent ministry

(Mutatis Mutandis Application)

Article 113 The provisions of Article 92, Paragraph 2 through Paragraph 4; Article 96; Article 100 through Article 103; and Article 104, Paragraph 1 and Paragraph 2 shall apply mutatis mutandis to the Designated Recycling Organization. In this case, the term "Deposit Management Business" in Article 96; Article 100; Article 102, Paragraph 1; Article 103; and Article 104, Paragraph 1, Item 1 shall be deemed to be replaced with "Recycle, etc. Business", the term "should commit an act violating the Deposit Management Business Rules provided in Article 94, Paragraph 1, whereby approval was obtained, or should commit a markedly



inappropriate act relating to the Deposit Management Business" in Article 101 shall be deemed to be replaced with "should commit an act violating the Recycle, etc. Business Rules provided in Article 109, Paragraph 1, whereby approval was obtained, or should commit a markedly inappropriate act relating to the Recycling, etc. Business"; and the term "the Deposit Management Business should be conducted not pursuant to the Deposit Management Business Rules provided in Article 94, Paragraph 1 whereby the approval was obtained" in Article 104, Paragraph 1, Item 3 shall be deemed to be replaced with "Recycling, etc. Business should be conducted not pursuant to the Recycling, etc. Business Rules provided in Article 109, Paragraph 1 whereby the approval was obtained".

### **Section 3 Information Management Entities**

(Designations)

Article 114 The competent minister may designate a juridical person whose purpose is not profit and which is found to be able to conduct in a proper and reliable manner the business prescribed in the next article (hereinafter referred to as the "Information Management Business") as an Information Management Entity in response to an application therefrom, limited to one throughout the country.

(Business)

Article 115 An Information Management Entity shall conduct the following business:

- (i) Use and management of the computers and other equipment necessary to process reports pursuant to the provisions of the items of Article 81, access pursuant to the provisions of Article 85 and Article 86, and office work pertaining to notices pursuant to the provisions of Article 88, Paragraph 1 and Paragraph 2 (referred to as the "Report Management Office Work" in the next item) by means of an electronic information processing system.
- (ii) Preparation and retaining of the programs, files and other materials required to process the Report Management Office Work by means of an electronic data processing system.
- (iii) Carrying out transmission over telecommunications lines pursuant to the provisions of Article 76, Paragraph 2 (including the case where it is applied mutatis mutandis pursuant to Article 76, Paragraph 3 and Paragraph 5; the same shall apply in Article 107, Paragraph 1 and Paragraph 2, Item 1), storage pursuant to the provisions of Article 84, delivery pursuant to the provisions of Article 85 and Article 86, notice pursuant to the provisions of Article 88, Paragraph 1 and Paragraph 2, and reports pursuant to the provisions of Article

88, Paragraph 4 to Paragraph 6.

(iv) Conducting business incidental to that listed in the preceding three items.

(Reports)

Article 116 (1) Each business year, an Information Management Entity shall tabulate matters recorded in files and report to the competent minister the status of collection and delivery of End-of-Life Vehicles, Dismantled Vehicles, and Parts Specified for Recycling, etc. pursuant to the provisions of ordinance of the competent minister.

(2) When the report of the preceding paragraph is received, the competent minister shall promptly publicize the fact.

(Information Management Business Rules)

Article 117 (1) When carrying out Information Management Business, an Information Management Entity shall specify Information Management Business Rules for the implementation method of the Information Management Business, the fees relating to the entrustment of Article 76, Paragraph 2, and other matters specified by ordinance of the competent minister before commencing and obtain approval from the competent minister. The same shall apply to cases where a change is made to the Information Management Business Rules.

(2) When the competent minister has found that the application for approval of the preceding paragraph conforms to all of the following items, he/she shall make the approval set forth in the same paragraph.

(i) The application specifies the implementation method of the Information Management Business and the fees pertaining to the entrustment of Article 76, Paragraph 2 in a proper and clear manner.

(ii) The application does not provide specific persons with unjust discriminatory treatment.

(iii) The application is not likely to unjustly harm the interests of vehicle owners, Related Business Operators, or Vehicle Manufacturers, etc.

(3) When the competent minister has found that the Information Management Business Rules with the approval set forth in Paragraph 1 have become inappropriate in terms of proper and reliable implementation of the Information Management Business, he/she may order the Information Management Business Rules to be changed.

(Obligation to Preserve Confidentiality)

Article 118 Neither an officer nor a staff member of an Information Management Entity nor a person who held one of those positions shall divulge confidential information that comes to be known to them in relation to the Information

## Management Business.

(Rescission of Designation, etc.)

Article 119 (1) When an Information Management Entity falls under any of the following items, the competent minister may rescind its designation pursuant to the provisions of Article 114 (hereinafter referred to simply as the "Designation" in this article).

- (i) When it is found that the Information Management Business cannot be implemented in a proper and reliable manner.
  - (ii) When there is an improper act relating to the Designation.
  - (iii) When the Information Management Entity has violated this Act or an order or disposition given under this act, or has conducted an Information Management Business not pursuant to the Information Management Business Rules provided in Article 117, Paragraph 1 whereby the approval was obtained.
- (2) When the competent minister rescinds the Designation pursuant to the provisions of the preceding paragraph, he/she shall publicly notify the fact.
- (3) When the rescission of the Designation pursuant to the provisions of Paragraph 1 is carried out, the juridical person pertaining to that Designation rescission shall promptly hand over the records of files stored pursuant to the provisions of Article 84 to the Information Management Entity designated by the competent minister pursuant to the provisions of ordinance of the competent minister.
- (4) In addition to what is prescribed in the preceding paragraph, the handing over of the Information Management Business and other necessary matters in the case where the competent minister rescinds the Designation pursuant to the provisions of Paragraph 1 shall be specified by the competent minister.

(Mutatis Mutandis Application)

Article 120 The provisions set forth in Article 92, Paragraph 2 through Paragraph 4; Article 96; Article 100 to Article 103; Article 110; and Article 111 shall apply mutatis mutandis to Information Management Entities. In this case, the term "Deposit Management Business" in Article 96; Article 100; Article 102, Paragraph 1; and Article 103; the phrase "Recycling, etc. Business" in Article 110; and the term "the business listed in Article 106, Item 2 through Item 5" in Article 111 shall be deemed to be replaced with "Information Management Business"; and the term "should commit an act violating the Deposit Management Business Rules provided in Article 94, Paragraph 1, whereby approval was obtained, or should commit a markedly inappropriate act relating to the Deposit Management Business" in Article 101 shall be deemed to be replaced with "should commit an act violating the Information Management Business Rules provided in Article 117, Paragraph 1, whereby approval was obtained, or should carry out a

markedly inappropriate act relating to the Information Management Business".

## **Chapter 7 Miscellaneous Provisions**

(Relationship to the Waste Disposal Act)

Article 121 End-of-Life Vehicles, Dismantled Vehicles (excluding those delivered to Scrap Dealers of Whole Dismantled Vehicles pursuant to the provisions of the proviso of Article 16, Paragraph 4 and of the proviso of Article 18, Paragraph 2), and Parts Specified for Recycling shall be deemed waste (referring to waste as provided in the Waste Disposal Act, Article 2, Paragraph 1), and the provisions of the Waste Disposal Act shall be applied except in the case where otherwise provided in this Act.

(Special Provisions of the Waste Disposal Act Pertaining to Related Business Operators, etc.)

Article 122 (1) Collection Operators and Fluorocarbons Recovery Operators may, notwithstanding the provision of Waste Disposal Act, Article 7, Paragraph 1 and Article 14, Paragraph 1, carry out collection or transport of End-of-Life Vehicles (limited to those pertaining to collection pursuant to the provisions of Article 9, Paragraph 1 or Article 11 and to delivery pursuant to the provisions of Article 10 or Article 14) in the course of trade without obtaining license pursuant to these provisions. This shall not apply, however, to cases where suspension of business is ordered pursuant to the provisions of Article 51, Paragraph 1 or Article 58, Paragraph 1.

(2) Dismantling Operators may, notwithstanding the provision of Waste Disposal Act, Article 7, Paragraph 1, and Paragraph 6, and Article 14, Paragraph 1 and Paragraph 6, implement the acts necessary to recycle End-of-Life Vehicles or Dismantled Vehicles (limited to those acts falling under collection, transport, or disposal (hereinafter including recovery) of general waste (hereinafter referring to the general waste prescribed in the Waste Disposal Act, Article 2, Paragraph 2) or industrial waste (hereinafter referring to the industrial waste prescribed in the Waste Disposal Act, Article 2, Paragraph 4)) in the course of trade without obtaining the license pursuant to these provisions. This shall not apply, however, to cases where suspension of business is ordered pursuant to the provisions of Article 66.

(3) Shredding and Sorting Operators may, notwithstanding the provision of the Waste Disposal Act, Article 14, Paragraph 1 and Paragraph 6, implement the acts necessary to recycle Dismantled Vehicles (limited to those falling under collection, transport, and disposal of industrial waste) within the scope of

business with the license of Article 67, Paragraph 1 without obtaining the license pursuant to these provisions. This shall not apply, however, to cases where suspension of business is ordered pursuant to the provisions of Article 66 applied mutatis mutandis pursuant to Article 72 after deemed replacement.

- (4) Vehicle Manufacturers, etc. having received the authorization of Article 28, Paragraph 1 and a person (limited to those prescribed in Article 28, Paragraph 2, Item 2) receiving an entrustment therefrom and implementing the acts necessary to recycle Parts Specified for Recycling (limited to those that fall under the transport or disposal of industrial waste) in the course of trade may implement said acts in the course of trade without obtaining the license pursuant to the provisions of the Waste Disposal Act, Article 14, Paragraph 1 and Paragraph 6 notwithstanding these provisions.
- (5) Designated Recycling Organizations and a person receiving an entrustment therefrom and implementing the acts necessary to recycle Dismantled Vehicles or Parts Specified for Recycling (limited to those falling under the collection, transport, or disposal of general waste or industrial waste) may implement said acts in the course of trade without obtaining the license pursuant to the Waste Disposal Act, Article 7, Paragraph 1, and Paragraph 6, and Article 14, Paragraph 1 and Paragraph 6 notwithstanding these provisions.
- (6) Designated Recycling Organization shall follow the standards specified by Cabinet Order in cases when entrusting the acts prescribed in the preceding paragraph to another person.
- (7) For the application of the provisions of the Waste Disposal Act, Article 7, Paragraph 13; Article 7-5; Article 14, Paragraph 12 and Paragraph 13; and Article 14-3-3, Collection Operators and Fluorocarbon Recovery Operators shall be deemed general waste collectors and transporters (referring to the General Waste Collectors and Transporters prescribed in the Waste Disposal Act, Article 7, Paragraph 12; the same shall apply hereinafter) or industrial waste collectors and transporters (referring to the Industrial Waste Collectors and Transporters prescribed in the Waste Disposal Act, Article 14, Paragraph 12; the same shall apply hereinafter).
- (8) For the application of the provisions of the Waste Disposal Act, Article 7, Paragraph 13; Article 7-5; Article 14, Paragraph 12 and Paragraph 13; and Article 14-3-3, Dismantling Operators and the person prescribed in Paragraph 5 shall be deemed General Waste Collectors and Transporters or general waste disposal operators (referring to the General Waste Disposal Operators prescribed in the Waste Disposal Act, Article 7, Paragraph 12; the same shall apply hereinafter) or Industrial Waste Collectors and Transporters, or industrial waste disposal operators (referring to the Industrial Waste Disposal Operators prescribed in the Waste Disposal Act, Article 14, Paragraph 12; the same shall

apply hereinafter).

- (9) For the application of the provisions of the Waste Disposal Act, Article 14, Paragraph 12 and Paragraph 13 and Article 14-3-3, Shredding and Sorting Operators and the person prescribed in Paragraph 4 shall be deemed Industrial Waste Collectors and Transporters or Industrial Waste Disposal Operators.
- (10) For the application of the Waste and Disposal Act, Article 19-3, the person prescribed in the preceding three paragraphs shall be deemed General Waste Collectors and Transporters, General Waste Disposal Operators, Industrial Waste Collectors and Transporters, or Industrial Waste Disposal Operators.
- (11) Collection Operators and Fluorocarbons Recovery Operators and Dismantling Operators (limited to those entities collecting End-of-Life Vehicles (limited to those that are general waste; hereinafter referred to as "End-of-Life Vehicle General Waste") pursuant to the provisions of Article 15, receiving delivery of End-of-Life Vehicle General Waste pursuant to the provisions of Article 16, Paragraph 6, and delivering End-of-Life Vehicle General Waste pursuant to the provisions of Article 16, Paragraph 6) shall follow the standards specified by Cabinet Order in cases when entrusting the collection or transport of End-of-Life Vehicle General Waste to another person.
- (12) For the application of the provisions of the Waste Disposal Act, Article 14, Paragraph 14, Collection Operators, Fluorocarbons Recovery Operators, and Dismantling Operators (limited to these persons collecting End-of-Life Vehicles (limited to those that are industrial waste; hereinafter referred to as "End-of-Life Vehicle Industrial Waste") pursuant to the provisions of Article 15, receiving delivery of Dismantled Vehicles pursuant to the provisions of Article 16, Paragraph 4 (including the case where it is applied mutatis mutandis pursuant to Article 16, Paragraph 7), receiving delivery of End-of-Life Vehicle Industrial Waste or Dismantled Vehicles pursuant to the provisions of Article 16, Paragraph 6 (including the case where it is applied mutatis mutandis pursuant to Article 16, Paragraph 7; the same shall apply hereinafter in this paragraph), and delivering End-of-Life Vehicle Industrial Waste or Dismantled Vehicles pursuant to the provisions of Article 16, Paragraph 6) and Shredding and Sorting Operators (limited to those persons collecting Dismantled Vehicles pursuant to the provisions of Article 17 or Article 18, Paragraph 3, receiving delivery of Dismantled Vehicles pursuant to the provisions of Article 18, Paragraph 2 or Paragraph 7, or delivering Dismantled Vehicles pursuant to the provisions of Article 18, Paragraph 2 or 7) shall be deemed Industrial Waste Collectors and Transporters. In this case, the phrase "the collection, transport and disposal of industrial waste whose entrustment was received from a business operator" in said Article 14, Paragraph 14 shall be deemed to be replaced with "the transport of industrial waste (limited to End-of-Life Vehicles (referring to the End-of-Life

Vehicles prescribed in the Act of Recycling, etc. of Vehicles (Act No. 87 of 2002; hereinafter referred to as the "End-of-Life Vehicles Recycling Act"), Article 2, Paragraph 2) and Dismantled Vehicles (referring to the Dismantled Vehicles prescribed in the End-of-Life Vehicles Recycling Act, Article 2, Paragraph 3) collected pursuant to the provisions of the End-of-Life Vehicles Recycling Act, Article 9, Paragraph 1; Article 11; Article 15; Article 17; and Article 18, Paragraph 3, whose delivery is received pursuant to the provisions of the End-of-Life Vehicles Recycling Act, Article 16, Paragraph 4 and Paragraph 6 (including the case of applying these provisions mutatis mutandis pursuant to Article 16, Paragraph 7) and Article 18, Paragraph 2 and Paragraph 7), or which are delivered pursuant to the provisions of the End-of-Life Vehicles Recycling Act, Article 10; Article 14; Article 16, Paragraph 6 (including the case where it is applied mutatis mutandis pursuant to Article 16, Paragraph 7); and Article 18, Paragraph 7".

- (13) The provisions of the Waste Disposal Act, Article 12, Paragraph 3 shall not apply to the following listed acts.
- (i) In the case of delivering the End-of-Life Vehicle Industrial Waste by a business operator to a Collection Operator pursuant to the provisions of Article 8, entrustment (limited to the entrustment of transport to said Collection Operator, Fluorocarbon Recovery Operator, or Dismantling Operator and to the entrustment of disposal to a Dismantling Operator) of transport or disposal of said End-of-Life Vehicle Industrial Waste pertaining to said delivery.
  - (ii) Entrustment of the following transport or disposal carried out by a Dismantling Operator:
    - (a) In the case of delivering the Parts Designated for Recovery to a Vehicle Manufacturer, etc (referring to the Vehicle Manufacturers, etc. prescribed in Article 13, Paragraph 1 (limited to those entities other than Designated Recycling Organizations that have received the certification of Article 28, Paragraph 1); the same shall apply hereinafter in this article) pursuant to the provisions of Article 16, Paragraph 3, entrustment (limited to that to said Vehicle Manufacturers, etc.) of transport or disposal of said Parts Designated for Recovery pertaining to said delivery
    - (b) In the case of delivering the Dismantled Vehicles to other Dismantling Operators or Shredding and Sorting Operators pursuant to the provisions of Article 16, Paragraph 4 (including the case where it is applied mutatis mutandis pursuant to Article 16, Paragraph 7), entrustment (limited to that to said other Dismantling Operators or Shredding and Sorting Operators) of transport or disposal of said Dismantled Vehicles pertaining to said delivery
  - (iii) Entrustment of the following transport or disposal carried out by a Shredding and Sorting Operator:

- (a) In the case of delivering the Dismantled Vehicles to other Shredder and Sorting Operator pursuant to the provisions of Article 18, Paragraph 2, entrustment (limited to that to said other Shredder and Sorting Operator) of transport or disposal of said Dismantled Vehicles pertaining to said delivery
  - (b) In the case of delivering the Automobile Shredder Residue to a Vehicle Manufacturer, etc pursuant to the provisions of Article 18, Paragraph 6, entrustment (limited to that to said Vehicle Manufacturer, etc) of transport or disposal of said Automobile Shredder Residue pertaining to said delivery
- (14) The provisions of the Waste Disposal Act, Article 12-3, Paragraph 1 shall not apply to the following listed acts.
- (i) In the case of delivering the End-of-Life Vehicle Industrial Waste by a business operator to a Collection Operator pursuant to the provisions of Article 8, entrustment (excluding the entrustment of transport for the purpose of delivering said End-of-Life Vehicle Industrial Waste to said Collector Operator) of transport or disposal of said End-of-Life Vehicle Industrial Waste pertaining to said delivery.
  - (ii) Entrustment of the following transport or disposal carried out by a Dismantling Operator:
    - (a) In the case of delivering the Parts Designated for Recovery to a Vehicle Manufacturer, etc pursuant to the provisions of Article 16, Paragraph 3, entrustment of transport or disposal of said Parts Designated for Recovery pertaining to said delivery
    - (b) In the case of delivering the Dismantled Vehicles to other Dismantling Operators or Shredding and Sorting Operators pursuant to the provisions of Article 16, Paragraph 4 (including the case where it is applied mutatis mutandis pursuant to Article 16, Paragraph 7), entrustment of transport or disposal of said Dismantled Vehicles pertaining to said delivery
  - (iii) Entrustment of the following transport or disposal by a Shredding and Sorting Operator.
    - (a) In the case of delivering the Dismantled Vehicles to other Shredder and Sorting Operators pursuant to the provisions of Article 18, Paragraph 2, entrustment of transport or disposal of said Dismantled Vehicles pertaining to said delivery
    - (b) In the case of delivering the Automobile Shredder Residue to Vehicle Manufacturers, etc. pursuant to the provisions of Article 18, Paragraph 6, entrustment of transport or disposal of said Automobile Shredder Residue pertaining to said delivery

(Special Provisions of the Waste Disposal Act Pertaining to General Waste Disposers, etc.)



Article 123 (1) Industrial Waste Collectors and Transporters (limited to entities receiving the entrustment of a Collection Operator, Fluorocarbons Recovery Operator, or Dismantling Operator and carrying out collection or transport of End-of-Life Vehicle Industrial Waste in the course of trade) may conduct the trade of collection or transport of End-of-Life Vehicle General Waste notwithstanding the provisions of the Waste Disposal Act, Article 7, Paragraph 1. In this case, the person shall carry out the collection or transport of the End-of-Life Vehicle General Waste in accordance with the general waste disposal standards prescribed in the Waste Disposal Act, Article 6-2, Paragraph 2 (hereinafter referred to simply as the "General Waste Disposal Standards").

(2) The provisions of the Waste Disposal Act, Article 7, Paragraph 12 shall not apply to collection and transport carried out by a person having obtained the license of the Waste Disposal Act, Article 7, Paragraph 1 and pertaining to End-of-Life Vehicle General Waste.

(3) General Industrial Waste Collectors and Transporters (limited to entities receiving the entrustment of a Collection Operator, Fluorocarbons Recovery Operator, or Dismantling Operator and carrying out collection or transport of End-of-Life Vehicle Industrial Waste in the course of trade) may carry out the trade of collection or transport of End-of-Life Vehicle Industrial Waste notwithstanding the provisions of the Waste Disposal Act, Article 14, Paragraph 1. In this case, that entity shall carry out the collection or transport of the End-of-Life Vehicle Industrial Waste in accordance with the industrial waste disposal standards prescribed in the Waste Disposal Act, Article 12, Paragraph 1 (hereinafter referred to simply as the "Industrial Waste Disposal Standards").

(Special Provisions, etc. of Application of the Waste Disposal Act in Cases Where Disposal of End-of-Life Vehicle General Waste Does Not Conform to the General Waste Disposal Standards)

Article 124 (1) When the disposal of End-of-Life Vehicle General Waste not conforming to the General Waste Disposal Standards pursuant to an entrustment of collection or transport of End-of-Life Vehicle General Waste is carried out in violation of the provisions of Article 122, Paragraph 11, the entrusting person shall be deemed to fall under the disposing person, etc. prescribed in the Waste Disposal Act, Article 19-4, Paragraph 1 for the application of the provisions of the Waste Disposal Act, Article 19-4.

(2) In the case (excluding cases where the disposal is carried out for Parts Specified for Recycling collected by a Vehicle Manufacturer, etc or a Designated Recycling Organization) where the disposal of End-of-Life Vehicle Industrial Waste, Dismantled Vehicles, or Parts Specified for Recycling (hereinafter referred to as "the End-of-Life Vehicle Industrial Waste, etc." in this paragraph) not conforming

to the Industrial Waste Disposal Standards is carried out, entities falling under any of the following items shall be deemed to fall under the entities listed in the Waste Disposal Act, Article 19-5, Paragraph 1, Item 3 for the application of the provisions of the Waste Disposal Act, Article 19-5 for the obligation pertaining to the Report on Movements in the course of a series of collecting, delivering, or Recycling pertaining to said End-of-Life Vehicle Industrial Waste, etc.

- (i) Collection Operators not reporting or making a false report to an Information Management Entity in violation of the provisions of Article 81, Paragraph 1 or Paragraph 2.
- (ii) Fluorocarbons Recovery Operators not reporting or making a false report to an Information Management Entity in violation of the provisions of Article 81, Paragraph 3 or Paragraph 6.
- (iii) Dismantling Operators not reporting or making a false report to an Information Management Entity in violation of the provisions of Article 81, from Paragraph 7 to Paragraph 9.
- (iv) Shredding and Sorting Operators not reporting or making a false report to an Information Management Entity in violation of the provisions of Article 81, Paragraph 10 to Paragraph 12.

(Hearings Concerning Licenses, etc.)

- Article 125 (1) The governor shall listen to the opinion of the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters on whether or not there are grounds (limited to those grounds falling under Article 62, Paragraph 1, Item 2, (g), (h), or (j) pertaining to Item 2, (f); the same shall apply in the next paragraph and the next article) falling under Article 62, Paragraph 1, Item 2, (f) to (j), when he/she intends to give the license of Article 60, Paragraph 1 or Article 67, Paragraph 1.
- (2) The governor may listen to the opinion of the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters on whether or not there are grounds falling under Article 62, Paragraph 1, Item 2, (f) to (j), when he/she intends to make disposition pursuant to Article 66 (including the case when applying mutatis mutandis to Article 72 after deemed replacement).

(Opinion to the Governor)

Article 126 If it is found that the governor needs to take appropriate measures against a Dismantling Operator or a Shredding and Sorting Operator because there are appropriate reasons sufficient to suspect there are grounds falling under Article 62, Paragraph 1, Item 2, (f) to (j) concerning said Dismantling Operator or Shredding and Sorting Operator, the Superintendent General of the

Metropolitan Police Department or the Chief of the Prefectural Police Headquarters may state his or her opinion of the fact to the governor.

(Inquiries, etc. to Relevant Administrative Organs)

Article 127 In addition to what is prescribed in Article 125, the governor may inquire, or request cooperation from a relevant administrative organ or relevant local government regarding affairs pursuant to the provisions of this Act.

(Re-examination Requests)

Article 128 A person who is dissatisfied with the determination of an examination request for disposition (limited to that relating to the operations entrusted under Item 1 prescribed in Article 135) made by the head of a city or a special ward in which a health center is established pursuant to the provisions of this Act, may request a re-examination to the competent minister.

(Obligation to Use Objects Obtained through Recycling)

Article 129 (1) A person who conducts business such that objects obtained through Recycling of End-of-Life Vehicles, Dismantled Vehicles, or Parts Specified for Recycling can be utilized, shall utilize them pursuant to what is specified in the Act on the Promotion of Effective Utilization of Resources (Act No. 48 of 1991).  
(2) A person who conducts the business of manufacturing, processing, repairing, or selling vehicles shall take measures to promote the Recycling of the vehicles pertaining to that business which have become End-of-Life Vehicles, or Dismantled Vehicles and Parts Specified for Recycling pertaining to said vehicles pursuant to what is specified in the Act on the Promotion of Effective Utilization of Resources.

(Collection of Reports)

Article 130 (1) The governor may have a Related Business Operator report on the status of implementation of the collection or delivery of End-of-Life Vehicles or Dismantled Vehicles, the delivery of Parts Specified for Recycling, etc., or Recycling of End-of-Life Vehicles or Dismantled Vehicles pursuant to the provisions of Cabinet Order to the extent necessary for enforcing this Act.  
(2) The governor may have an Information Management Entity report matters recorded in its files to the extent necessary for enforcing this Act.  
(3) To the extent necessary for enforcing this Act, the competent minister may have a Vehicle Manufacturer, etc. or an entity receiving an entrustment therefrom (limited to the entities prescribed in Article 28, Paragraph 2, Item 2; the same shall apply in Paragraph 2 of the next article) report on the status of implementing the collection or Recycling, etc. of Parts Specified for Recycling, etc.

pursuant to the provisions of Cabinet Order.

(On-site Inspection)

- Article 131 (1) The governor may have the officials enter the office, factory, workplace, or warehouse of a Related Business Operator and inspect account books, documents, and other objects pursuant to the provisions of Cabinet Order to the extent necessary for enforcing this Act.
- (2) The competent minister may have officials of the Ministry enter the office, factory, workplace, or warehouse of a Vehicle Manufacturer, etc or a person receiving an entrustment therefrom and inspect account books, documents, and other objects pursuant to the provisions of Cabinet Order to the extent necessary for enforcing this Act,.
- (3) The officials of the Ministry who conducts on-site inspection pursuant to the provisions of the preceding two paragraphs shall carry an identification card and produce it to the people concerned.
- (4) The authority for the on-site inspection pursuant to the provisions of Paragraph 1 and Paragraph 2 shall not be interpreted to be approval for a criminal investigation.

(Hearings of the Council's Opinion)

Article 132 When the competent minister specifies the standards of Article 16, Paragraph 2; Article 18, Paragraph 1 or Paragraph 5; or Article 25, Paragraph 2, or decides other important matters relating to the enforcement of this Act, he/she shall listen to the opinions of the Industrial Structure Council and the Central Environment Council in advance.

(The Competent Minister, etc.)

- Article 133 (1) The competent ministers in this Act shall be the Minister of Economy, Trade and Industry and the Minister of the Environment.
- (2) Ordinances of the competent minister in this Act shall be orders which the Minister of Economy, Trade and Industry and the Minister of the Environment have issued.

(Delegation of Authority)

Article 134 The authority of the competent minister pursuant to the provisions of Article 130, Paragraph 3 and Article 131, Paragraph 2 may be delegated to the heads of local branch offices pursuant to the provisions of Cabinet Order.

(Classification of Affairs)

Article 135 Of the affairs to be handled by a prefecture, or city or special ward

having established a health center (hereinafter referred to as a "Prefecture, etc." in this article) pursuant to the provisions of this Act, that listed in the following shall be an operation entrusted under Item 1 prescribed in the Local Autonomy Act (Act No. 67 of 1967), Article 2, Paragraph 9, Item 1.

- (i) Affairs to be handled by a Prefecture, etc. pursuant to the provisions of Article 60, Paragraph 1; Article 61, Paragraph 1; Article 62; Article 63, Paragraph 1; Article 64 (including the case where it is applied mutatis mutandis pursuant to Article 72); Article 66 (including the case where it is applied mutatis mutandis pursuant to Article 72 after deemed replacement); Article 67, Paragraph 1; Article 68, Paragraph 1; Article 69 (including the case where it is applied mutatis mutandis pursuant to Article 70, Paragraph 2); Article 70, Paragraph 1; Article 71, Paragraph 1; Article 88, Paragraph 4 to Paragraph 6; Article 90, Paragraph 1 and Paragraph 3; Article 125; and Article 126.
- (ii) Affairs (limited to that related to enforcing the provisions of Chapter 3, Section 3 and Section 4; and Chapter 5) to be handled by a Prefecture, etc. pursuant to the provisions of Article 130, Paragraph 1 and Paragraph 2 and Article 131, Paragraph 1.

(Transitional Measures)

Article 136 In the case of establishment, or revision or abolition of an order according to the provision of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set up in that order to the extent considered reasonably necessary along with that establishment, or revision or abolition.

## **Chapter 8 Penal Provisions**

Article 137 Any person entrusting to another person the transport of End-of-Life Vehicle General Waste in violation of the provisions of Article 122, Paragraph 11 shall be punished by imprisonment with work for not more than three years or a fine of not more than 3,000,000 yen, or both.

Article 138 A person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

- (i) A person who conducts Collection Operations or Fluorocarbons Recovery Work without obtaining the registration of Article 42, Paragraph 1 or Article 53, Paragraph 1
- (ii) A person who obtains the registration (including renewal of the registration of

Article 42, Paragraph 2 or Article 53, Paragraph 2) of Article 42, Paragraph 1 or Article 53, Paragraph 1 by wrongful means

- (iii) A person who violates an order to suspend business pursuant to the provisions of Article 51, Paragraph 1; Article 58, Paragraph 1; or Article 66 (including the cases where it is replaced and applied mutatis mutandis pursuant to Article 72 after deemed replacement)
- (iv) A person who carries out Dismantling Operations or Shredding and Sorting Operations without obtaining the license of Article 60, Paragraph 1 or Article 67, Paragraph 1
- (v) A person who obtains the license (including renewal of the license set forth in Article 60, Paragraph 2 or Article 67, Paragraph 2) of Article 60, Paragraph 1 or Article 67, Paragraph 1 by wrongful means
- (vi) A person who conducts a Shredding and Sorting Operation in violation of the provisions of Article 70, Paragraph 1
- (vii) A person who violates the provisions of Article 118

Article 139 A person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen

- (i) A person who violates the provisions of Article 16, Paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to Article 18, Paragraph 8)
- (ii) A person who violates an order pursuant to the provisions of Article 20, Paragraph 3; Article 24, Paragraph 3; Article 26, Paragraph 4; Article 35, Paragraph 2; Article 38, Paragraph 2; or Article 90, Paragraph 3 or Paragraph 4

Article 140 A person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen

- (i) A person who does not provide account books, does not write down or record items which shall be written in the account books or otherwise recorded, or who makes false writings or recordings or does not keep account books in violation of the provisions of Article 27, Paragraph 1
- (ii) A person who does not make notification or makes a false notification pursuant to the provisions of Article 46, Paragraph 1; Article 48, Paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 59); Article 57, Paragraph 1; Article 63, Paragraph 1; Article 64 (including the cases where it is applied mutatis mutandis pursuant to Article 72); or Article 71, Paragraph 1
- (iii) A person who does not report or makes a false report pursuant to the provisions of Article 130, Paragraph 1 or Paragraph 3

- (iv) A person who refuses, hinders, or challenges an inspection pursuant to the provisions of Article 131, Paragraph 1 or Paragraph 2

Article 141 An officer or a staff member of the Deposit Management Entity, the Designated Recycling Organization, or the Information Management Entity that commits a violation act when any of the following items apply shall be punished by a fine of not more than 300,000 yen.

- (i) When the entirety of the Deposit Management Business, Recycling, etc. Business, or Information Management Business is abolished without obtaining the license of Article 96 (including the case of applying mutatis mutandis pursuant to Article 113 and Article 120 after deemed replacement).
- (ii) When account books are not provided, matters which shall be written in the account books or otherwise recorded are not written down or recorded, or false writings or recordings are made or account books are not saved in violation of the provisions of Article 100 (including the cases of application mutatis mutandis pursuant to Article 113 and Article 120 after deemed replacement).
- (iii) When a report pursuant to the provisions of Article 102, Paragraph 1 (including the case of application mutatis mutandis pursuant to Article 113 and Article 120 after deemed replacement) is not made or a false report is made
- (iv) When an inspection pursuant to the provisions of Article 102, Paragraph 1 (including the case where it is applied mutatis mutandis pursuant to Article 113 and Article 120 after deemed replacement) is refused, hindered, or challenged.

Article 142 When the representative of a juridical person, or the agent, employee, or other worker of a juridical person or individual should commit an act violating Article 137; Article 138, Item 1 to Item 6; Article 139; or Article 140 in relation to the business of that juridical person or individual, in addition to other penalties therefor said juridical person or individual shall additionally be liable to a fine as prescribed in the respective articles.

Article 143 A person who falls under any of the following items shall be punished by a civil fine of not more than 100,000 yen

- (i) A person who does not make a representation pursuant to the provisions of Article 36 or makes a false representation
- (ii) A person who does not put up a sign pursuant to the provisions of Article 50 (including the case where it is applied mutatis mutandis pursuant to Article 59) or Article 65 (including the case where it is applied mutatis mutandis pursuant to Article 72)

## Supplementary Provisions (Extract)

(Effective Date)

Article 1 This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the provisions listed in the following items shall come into force as from the date prescribed respectively in those items.

- (i) Provisions of Article 22; Article 23, Paragraph 4; Article 24; Article 28 to Article 30; Article 34 to Article 41; Chapter 3, Section 3 and Section 4 (excluding Article 65 (including the case where it is applied mutatis mutandis pursuant to Article 72)); Article 73, Paragraph 4 (limited to the part pertaining to the approval of information management fees), Paragraph 5, Paragraph 6 (limited to the part pertaining to the approval of fees), and Paragraph 7; Article 78, Paragraph 3 (limited to the part pertaining to the approval of charges); Article 79; Article 82, Paragraph 3 and Article 85, Paragraph 4 (limited to the part pertaining to the approval of charges prescribed therein); Article 122, Paragraph 2, Paragraph 3, and Paragraph 8 to Paragraph 10 (limited to the part pertaining to Dismantling Operators and Shredding and Sorting Operators); Article 123; Article 125; Article 126; Article 130, Paragraph 1 and Paragraph 3; Article 131; Article 134; Article 138, Item 3 (limited to the part pertaining to Article 66 (including the case where it is applied mutatis mutandis pursuant to Article 72), and Item 4 to Item 6; Article 139, Item 2 (limited to the part pertaining to Article 24, Paragraph 3; Article 35, Paragraph 2; and Article 38, Paragraph 2); Article 140, Item 2 (limited to the part pertaining to Article 63, Paragraph 1; Article 64 (including the case where it is applied mutatis mutandis pursuant to Article 72 after replaced); and Article 71, Paragraph 1), Item 3 and Item 4; Article 142; Article 143, Item 1 as well as the supplementary provisions, Article 5 to Article 7: Date specified by Cabinet Order within a period not exceeding two years from the day of promulgation
- (ii) Provisions of Article 8 to Article 21; Article 23, Paragraph 1 to Paragraph 3; Article 25 to Article 27; Article 31 to Article 33; Chapter 3, Section 1 and Section 2; Article 65 (including the case where it is applied mutatis mutandis pursuant to Article 72); Article 73, Paragraph 1 to Paragraph 3, Paragraph 4 (excluding the portions pertaining to the approval of information management fees), and Paragraph 6 (excluding the portions pertaining to the approval of fees); Article 75 to Article 77; Article 78, Paragraph 1, Paragraph 2, and Paragraph 3 (excluding the portions pertaining to the approval of charges); Chapter 5 (excluding Article 82, Paragraph 3 and Article 85, Paragraph 4 (limited to the part pertaining to the approval of charges prescribed therein));



Article 121; Article 122 (excluding Paragraph 2, Paragraph 3, and Paragraph 8 to Paragraph 10 (limited to the part pertaining to Dismantling Operators and Shredding and Sorting Operators)); Article 124; Article 130, Paragraph 2; Article 137; Article 138, Item 1, Item 2, and Item 3 (excluding the portions pertaining to Article 66 (including the case where it is applied mutatis mutandis pursuant to Article 72 after replaced)); Article 139, Item 1 and Item 2 (excluding the portions pertaining to Article 24, Paragraph 3; Article 35, Paragraph 2; and Article 38, Paragraph 2); Article 140, Item 1 and Item 2 (excluding the portions pertaining to Article 63, Paragraph 1; Article 64 (including the case where it is applied mutatis mutandis pursuant to Article 72); and Article 71, Paragraph 1); and Article 143, Item 2 as well as the supplementary provisions, Article 3; Article 4; Article 8; Article 9; Article 15; Article 16; Article 18; and Article 19: the date specified by Cabinet Order within a period not exceeding two years, six months from the day of promulgation of the provisions

(iii) The provisions of Article 74 and the supplementary provisions, Article 10: the date when one month has elapsed from the day of enforcement of the provisions listed in the preceding item

(Application)

Article 2 The provisions of Article 10 to Article 18, Article 21 to Article 23, Article 25 to Article 33, and Article 81 to Article 89 shall apply to End-of-Life Vehicles delivered to a Collection Operator on or after the date of enforcement of the provisions listed in Item 2 of the preceding article.

(Transitional Measures Concerning Registration of Collection Operators)

Article 3 (1) When enforcing the provisions listed in the supplementary provisions, Article 1, Item 2, an entity obtaining registration (hereinafter referred to as a "Class II Specified Product Collection Operator of the Old Fluorocarbons Recovery and Destruction Act" in this article) of a governor (a mayor in the case of a city specified by Cabinet Order of the Old Fluorocarbons Recovery and Destruction Act, Article 80, Paragraph 4) of the Act on Securing, etc. the Implementation of Recovery and Destruction of Fluorocarbons Contained in Specified Products (hereinafter referred to as the "Old Fluorocarbons Recovery and Destruction Act") pertaining to specified products before revision according to the provisions of Article 18 of the supplementary provisions, shall be deemed to have obtained registration of the Collection Operator of Article 42, Paragraph 1 by the governor (mayor or ward head in the case of a city or special ward having established a health center; the same shall apply in the next paragraph) having jurisdiction of the address of the business office pertaining to the registration of a Class II

Specified Product Collection Operator of the Old Fluorocarbons Recovery and Destruction Act.

- (2) For an entity deemed to have obtained the registration of a Collection Operator pursuant to the provisions of the preceding paragraph and deemed to have obtained two or more registrations from one governor according to said provisions, said two or more registrations shall be deemed to be one registration and the provisions of this Act shall be applied.
- (3) With regard to the application of the provisions of Article 42, Paragraph 2 concerning an entity deemed to have obtained the registration of a Collection Operator pursuant to the provisions of the preceding two paragraphs, the date the registration of the Class II Specified Product Collection Operator of the Old Fluorocarbons Recovery and Destruction Act was obtained by that entity (in the case of an entity for which two or more registrations are deemed to be one registration pursuant to the provisions of the preceding paragraph, the day the first registration of the two or more registrations was obtained) shall be deemed to be the day the registration of a Collection Operator of Article 42, Paragraph 1 was obtained.

(Transitional Measures Concerning Registration of Fluorocarbons Recovery Operators)

Article 4 (1) When enforcing the provisions listed in the supplementary provisions, Article 1, Item 2, an entity having obtained the registration (hereinafter referred to as the "Registration of a Class II Fluorocarbons Recovery Operator of the Old Fluorocarbons Recovery and Destruction Act" in this article) of a governor (a mayor in the case of a city specified by Cabinet Order of the Old Fluorocarbons Recovery and Destruction Act, Article 80, Paragraph 4) of the Old Fluorocarbons Recovery and Destruction Act, Article 29, Paragraph 1 shall be deemed to have obtained the registration of a Fluorocarbons Recovery Operator of Article 53, Paragraph 1 by the governor (mayor or ward head in the case of a city or special ward having established a health center, the same shall apply hereinafter) having jurisdiction of the address of the business office pertaining to the Registration of a Class II Fluorocarbons Recovery Operator of the Old Fluorocarbons Recovery and Destruction Act.

- (2) For an entity deemed to have obtained the registration of a Fluorocarbons Recovery Operator pursuant to the provisions of the preceding paragraph and deemed to have obtained at least two registrations from one governor according to said provisions, said two or more registrations shall be deemed to be one registration and the provisions of this Act shall be applied.
- (3) With regard to the application of the provisions of Article 53, Paragraph 2 for an entity (excluding those prescribed in the next paragraph) deemed to have

obtained the registration of a Fluorocarbons Recovery Operator according to the provisions of the preceding two paragraphs, the date (for an entity for which two or more registrations are deemed to be one registration pursuant to the provisions of the preceding paragraph, the day the first registration of the two or more registrations was obtained) that entity obtained the registration of the Class II Specified Product Collection Operator of the Old Fluorocarbons Recovery and Destruction Act shall be deemed to be the day the registration of the Fluorocarbons Recovery Operator of Article 53, Paragraph 1 was obtained.

- (4) For application of the provisions of Article 53, Paragraph 2 concerning an entity deemed to have obtained the registration of a Fluorocarbons Recovery Operator pursuant to the provisions of Paragraph 1 and Paragraph 2, for which three months have not elapsed since the day of receiving the notification according to the provisions of the Old Fluorocarbons Recovery and Destruction Act, Article 32, Paragraph 7, second sentence (excluding entities having obtained a renewal pursuant to the provisions of the Old Fluorocarbons Recovery and Destruction Act, Article 12, Paragraph 1 applied mutatis mutandis pursuant to the Old Fluorocarbons Recovery and Destruction Act, Article 33, Paragraph 1 after deemed replacement before the day of enforcement of the provisions listed in Supplemental Provisions, Article 1, Item 2 on or after the day said notification was received), the term "every five years" in Article 53, Paragraph 2 shall be deemed to be replaced with "the renewal shall be obtained by the date when three months have elapsed from the day the notification was received according to the provisions of the Act on Securing, etc. the Implementation of Recovery and Destruction of Fluorocarbons Contained in Specified Products, Article 32, Paragraph 7, second sentence pertaining to specified products before the revision according to the provisions of Supplemental Provisions, Article 18, and every five years from the date of the renewal".

(Transitional Measures Concerning Licenses, etc. of Dismantling Operations)

- Article 5 (1) When enforcing the provisions listed in the supplementary provisions, Article 1, Item 1, an entity having obtained the license of the Waste Disposal Act, Article 7, Paragraph 1 or Paragraph 6; Article 7-2, Paragraph 1; Article 14, Paragraph 1 or Paragraph 6; or Article 14-2, Paragraph 1 and conducting the business falling under Dismantling Operation may continue carrying out said business for three months from the date of enforcement of the provisions listed in the same Item notwithstanding the provision of Article 60, Paragraph 1.
- (2) An entity prescribed in the preceding paragraph shall be deemed to have obtained the license of Article 60, Paragraph 1 for a Dismantling Operation on the date of enforcement of the provisions of the supplementary provisions, Article 1, Item 1 when a written notice containing the matters listed in the items of

Article 61, Paragraph 1 pertaining to said business is submitted to the governor within the time period prescribed in said paragraph.

- (3) When enforcing the provisions listed in the supplementary provisions, Article 1, Item 1, an entity currently conducting business falling under a Dismantling Operation (excluding the entities prescribed in Paragraph 1) may continue conducting said business during the period until the date (in the case where that entity submitted the written application of Article 61, Paragraph 1 before that date, the day when there is the license of Article 60, Paragraph 1 or notification according to the provisions of Article 62, Paragraph 2) when three months have elapsed from the day of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 1 notwithstanding the provision of Article 60 paragraph 1.
- (4) In the case where an entity may continue to conduct business falling under a Dismantling Operation pursuant to the provisions of the preceding paragraph, that entity shall be deemed a Dismantling Operator having received the notification of the governor having jurisdiction of the address of the business office where said business is conducted, and the provisions of this Act (excluding Article 65) shall be applied.
- (5) For application of the provisions of the Waste Disposal Act, Article 7, Paragraph 14 and Article 14, Paragraph 14, Dismantling Operators shall be deemed General Waste Collectors and Transporters, General Waste Disposal Operators, Industrial Waste Disposal Collectors and Transporters, or Industrial Waste Disposal Operators during the period from the day of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 1 until the day before enforcement of the provisions listed in the supplementary provisions, Article 1, Item 2.

(Transitional Measures Concerning Licenses, etc. of Shredding and Sorting Operations)

- Article 6 (1) When enforcing the provisions listed in the supplementary provisions, Article 1, Item 1, an entity having obtained the license of the Waste Disposal Act, Article 14, Paragraph 6 or Article 14-2, Paragraph 1 and conducting the business falling under a Shredding and Sorting Operation may continue carrying out said business for three months from the date of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 1 notwithstanding the provisions of Article 67, Paragraph 1.
- (2) An entity prescribed in the preceding paragraph shall be deemed to have obtained the license set forth in Article 67, Paragraph 1 for a Shredding and Sorting Operation on the date of enforcement of the provisions of the supplementary provisions, Article 1, Item 1 when a written notice with the

matters listed in each item of Article 68, Paragraph 1 pertaining to said business is submitted to the governor within the time period prescribed in the said paragraph.

- (3) When enforcing the provisions listed in the supplementary provisions, Article 1, Item 1, an entity conducting business falling under a Shredding and Sorting Operation (excluding the entities prescribed in Paragraph 1) may continue conducting said business during the period until the date (in the case where that entity submitted the written application set forth in Article 68, Paragraph 1 before that date, the day when there is the license of Article 67, Paragraph 1 or notification according to the provisions of Article 69, Paragraph 2) when three months have elapsed from the day of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 1 notwithstanding the provision of Article 67, Paragraph 1.
- (4) In the case where an entity may continue conducting a business falling under a Shredding and Sorting Operation pursuant to the provisions of the preceding paragraph, that entity shall be deemed a Shredding and Sorting Operator having received permission of the governor having jurisdiction of the address of the business office where said business is carried out, and the provisions of this Act (excluding Article 65 applied mutatis mutandis pursuant to Article 72) shall be applied.
- (5) With regard to the application of the provisions of the Waste Disposal Act, Article 14, Paragraph 14, Shredding and Sorting Operators shall be deemed Industrial Waste Disposal Collectors and Transporters or Industrial Waste Disposal Operators during the period from the day of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 1 until the day before enforcement of the provisions listed in the supplementary provisions, Article 1, Item 2.

(Transitional Measures Concerning Publication of Fees Pertaining to Recycling, etc.)

Article 7 With regard to the application of the provisions of Article 34, Paragraph 1 and Article 108, Paragraph 1 concerning Vehicles sold before the date of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 2, the term "by the time these are sold" in Article 34, Paragraph 1 and "beforehand" in Article 108, Paragraph 1 shall be deemed to be replaced with "by the date of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 2".

(Transitional Measures Concerning Deposits for Recycling Deposit, etc.)

Article 8 (1) With regard to the application of the provisions of Article 73,

Paragraph 1 concerning vehicles for which the first registration in the vehicle registration file or the first issuance of a vehicle inspection certificate has been received before the date when one month has elapsed since the day of enforcement of the provisions listed in the supplementary provisions, Article 1, Item 2 (hereinafter referred to as the "Base Date") except in the case of application of the provisions of the next paragraph, "until the first registration in the vehicle registration file (hereinafter referred to as the Registration in the Vehicle Registration File according to the provisions of the Road Transport Vehicle Act, Article 4; the same shall apply hereinafter) has been obtained (for a light vehicle (excluding light vehicles not subject to the inspection prescribed in the Road Transport Vehicle Act, Article 58, Paragraph 1) prescribed in the Road Transport Vehicle Act, Article 3, when said Vehicle receives the first issuance (hereinafter referred to issuance of a vehicle inspection certificate according to the provisions of the Road Transport Vehicle Act, Article 60, Paragraph 1 or Article 71, Paragraph 4) of a vehicle inspection certificate, for a light vehicle not subject to the inspection prescribed in the Road Transport Vehicle Act, Article 58, Paragraph 1, when said Vehicle obtains the first designation of a vehicle number (hereinafter referred to as Designation of a Vehicle Number according to the provisions of the Road Transport Vehicle Act, Article 97-3, Paragraph 1))" shall be deemed to be replaced with "until the first vehicle inspection certificate is returned after the Base Date (for a Vehicle having obtained the first Registration in the Vehicle Registration File or the first issuance of a vehicle inspection certificate on or after the Base Date before said return of the vehicle inspection certificate, when the Registration in the Vehicle Registration File or issuance of the vehicle inspection certificate is obtained".

- (2) For application of the provisions of Article 73, Paragraph 1 in the case where a Vehicle having obtained the initial Registration in the Vehicle Registration File or the initial issuance of a vehicle inspection certificate before the Base Date is delivered to a Collection Operator as an End-of-Life Vehicle before the return of the initial vehicle inspection certificate, or receipt of the initial Registration in the Vehicle Registration File or the issuance of the initial vehicle inspection certificate on or after the Base Date, the phrase "until the first registration in the vehicle registration file (hereinafter referred to as the Registration in the Vehicle Registration File according to the provisions of the Road Transport Vehicle Act, Article 4; the same shall apply hereinafter) has been obtained (for a light vehicle (excluding light vehicles not subject to the inspection prescribed in the Road Transport Vehicle Act, Article 58, Paragraph 1) prescribed in the Road Transport Vehicle Act, Article 3, when said Vehicle receives the first issuance (hereinafter referred to issuance of a vehicle inspection certificate according to the provisions of the Road Transport Vehicle Act, Article 60, Paragraph 1 or Article 71,

Paragraph 4) of a vehicle inspection certificate, for a light vehicle not subject to the inspection prescribed in the Road Transport Vehicle Act, Article 58, Paragraph 1, when said Vehicle obtains the first designation of a vehicle number (hereinafter referred to as Designation of a Vehicle Number according to the provisions of the Road Transport Vehicle Act, Article 97-3, Paragraph 1" shall be deemed to be replaced with "until said Vehicle is delivered to a Collection Operator as an End-of-Life Vehicle".

Article 9 With regard to the application of the provisions of Article 73, Paragraph 2 concerning Vehicles having obtained the first Registration in the Vehicle Registration File or the first issuance of the vehicle inspection certificate before the Base Date, "after obtaining the first Registration in the Vehicle Registration File, the first issuance of a vehicle inspection certificate, or the first designation of a vehicle number prescribed in the preceding paragraph" in Article 73, Paragraph 2 shall be deemed to be replaced with "after receiving the return of the first vehicle inspection certificate, the first Registration in the Vehicle Registration File, or the first issuance of a vehicle inspection certificate after the Base Date".

(Transitional Measures Concerning Presentation of Deposit Certificate)

Article 10 (1) An entity desiring to receive the return of a vehicle inspection certificate, Registration in the Vehicle Registration File, or issuance of a vehicle inspection certificate during the period from the Base Date until the date when three years have elapsed for a Vehicle having obtained a first Registration in the Vehicle Registration File or first issuance of an initial vehicle inspection certificate on or before the Base Date shall present a deposit certificate to the Minister of Land, Infrastructure, Transport and Tourism, etc.

(2) When a deposit certificate is not presented, the Minister of Land, Infrastructure, Transport and Tourism, etc. shall not return the vehicle inspection certificate, Register in the Vehicle Registration File, or issue the vehicle inspection certificate of the preceding paragraph.

(Transitional Measures Concerning Affairs of the head of a Special Ward)

Article 11 Among affairs that the head of a special ward are to manage and execute pursuant to the provisions of this Act, that work specified by Cabinet Order shall be managed and executed by the Tokyo governor for the time being.

(Transitional Measures Concerning the Definition of the Destruction of Fluorocarbons)

Article 12 With regard to the application of the provisions of Article 2, Paragraph

10 from the day of enforcement of this Act until the day before enforcement of the provisions listed in the supplementary provisions, Article 1, Item 2, "Article 33, Paragraph 3" therein shall be deemed to be replaced with "Article 52, Paragraph 2".

(Review)

Article 13 The government shall carry out a review of the status of the implementation of this Act within five years after the enforcement of the supplementary provisions listed in Article 1, Item 3 and take any required measures based on the results, when the government deems it necessary.

(Transitional Measures Concerning Penal Provisions)

Article 22 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (for the provisions listed in the items of the supplementary provisions, Article 1, said provisions), the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 23 In addition to what is prescribed in the supplementary provisions, Article 2 through Article 12, Article 16, Article 19, and the preceding article, the necessary transitional measures relating to enforcement of this Act shall be specified by Cabinet Order.

### **The Supplementary Provisions (Act No. 93 of June 18, 2003) Extract**

(Effective Date)

Article 1 This Act shall come into force as from December 1, 2003.

### **The Supplementary Provisions (Act No. 55 of May 26, 2004) Extract**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by Cabinet Order on or before December 31, 2005.

(Transitional Measures Concerning Penal Provisions)

Article 7 With regard to the application of penal provisions to acts committed prior to the enforcement of the provisions of the proviso of the supplementary provisions, Article 1, the provisions then in force shall remain applicable.



(Delegation to Cabinet Order)

Article 8 In addition to what is prescribed in the supplementary provisions, Article 2 to the preceding article, the necessary transitional measures (including those concerning penal provisions) concerning enforcement of this Act shall be specified by Cabinet Order.

### **The Supplementary Provisions (Act No. 76 of June 2, 2004) Extract**

(Effective Date)

Article 1 This Act shall come into force as from the date of enforcement of the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in the next article, Paragraph 8 and the Supplemental Provisions, Article 3, Paragraph 8; Article 5, Paragraph 8, Paragraph 16, and Paragraph 21; Article 8, Paragraph 3; and Article 13).

(Delegation to Cabinet Order)

Article 14 In addition to what is prescribed in the supplementary provisions, Article 2 to the preceding article, the necessary transitional measures concerning enforcement of this Act shall be specified by Cabinet Order.

### **The Supplementary Provisions (Act No. 147 of December 1, 2004)**

#### **Extract**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation.

### **Supplemental Provisions (Act No. 154 of December 3, 2004) Extract**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within six months from the day of promulgation (hereinafter referred to as the "Effective Date").

(Effect of Dispositions, etc.)

Article 121 Dispositions, procedures, and other acts conducted pursuant to the provisions of the respective Acts (including orders based on them; the same shall apply hereinafter in this Article) prior to the enforcement of this Act, for which the provisions of the respective Acts after the revision have relevant provisions, shall be deemed to have been made pursuant to the relevant provisions of the respective Acts after the revision, except as otherwise provided by these supplementary provisions.

(Transitional Measures Concerning Penal Provisions)

Article 122 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions then in force shall remain applicable pursuant to the provisions of these supplementary provisions and in cases where the provisions prior to the revision shall remain in force pursuant to the provisions of these supplementary provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order of Other Transitional Measures)

Article 123 In addition to what is provided for in the supplementary provisions, the necessary transitional measures pertaining to the enforcement of this Act shall be specified by Cabinet Order.

(Review)

Article 124 The government shall carry out a review of the status of the implementation of this Act within three years after the enforcement of this Act, and take any required measures based on the results, when the government finds it necessary.

### **Supplemental Provisions (Act No. 102 of October 21, 2005) Extract**

(Effective Date)

Article 1 This Act shall come into force as from the date of enforcement of the Postal Service Privatization Act.

(Transitional Measures Concerning Penal Provisions)

Article 117 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the supplementary provisions, acts committed prior to the lapse of

the provisions of Article 38-8 of the Old Postal Money Order Act (limited to the part pertaining to items 2 and 3) which shall remain in force pursuant to the provisions of Article 9, Paragraph 1 of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Article 70 of the Old Postal Money Transfer Act (limited to the part pertaining to items 2 and 3) which shall remain in force pursuant to the provisions of Article 13, Paragraph 1 of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Article 8 of the Old Act on the Entrustment of Postal Transfer Deposit and Contribution (limited to the part pertaining to item 2) which shall remain in force pursuant to the provisions of Article 27, Paragraph 1 of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Article 70 of the Old Public Corporation Act (limited to the part pertaining to item 2) which shall remain in force pursuant to the provisions of Article 39, Paragraph 2 of the supplementary provisions even after the enforcement of this Act, acts committed prior to the lapse of the provisions of Articles 71 and 72 of the Old Public Corporation Act (limited to the part pertaining to item 15) which shall remain in force pursuant to the provisions of Article 42, Paragraph 1 of the supplementary provisions even after the enforcement of this Act, and acts committed prior to the specified date pertaining to the postal savings bank prescribed in Article 104 of the Postal Service Privatization Act in the cases where the provisions of Article 2, Paragraph 2 of the supplementary provisions is applicable, the provisions then in force shall remain applicable.

### **The Supplementary Provisions (Act No. 50 of June 2, 2006) Extract**

(Effective Date)

- (1) This Act shall come into force as from the date of enforcement of the Act on General Associations and Incorporated Foundations.

(Adjustment Provisions)

- (2) Where the date of enforcement of the Act for Partial Revision of the Penal Code, etc. to Respond to Increase in International and Organized Crimes and Advancement of Information Processing (Act No. of 2006) comes after the date of enforcement, with regard to the application of the provisions of item 62 of the Appended Table of the Act on Punishment for Organized Crimes, Control of Crime Proceeds and Other Matters (Act No. 136 of 1999; hereinafter referred to as the "Punishment for Organized Crime Act" in the next paragraph) for the period from the date of enforcement until the day preceding the date of

enforcement of the same Act for Partial Revision, "crime under Article 157 of the Intermediate Corporation Act (Act No. 49 of 2001) (Special Breach of Trust by Directors, etc.)" in item 62 shall be replaced with "crime under Article 334 of the Act on General Associations and Incorporated Foundations (Act No. 48 of 2006) (Special Breach of Trust by Directors, etc.)"

(3) In addition to what is prescribed in the preceding paragraph, in the case referred to in that same paragraph, with regard to the application of the provisions of the Punishment for Organized Crime Act for the period until the day preceding the date of enforcement of the Act for Partial Revision of the Penal Code, etc. to Respond to Increase in International and Organized Crimes and Advancement of Information Processing, the crime under Article 157 of the old Intermediate Corporation Act (Special Breach of Trust by Directors, etc.) in the cases where the provisions then in force shall remain applicable or remain in force pursuant to Article 457 shall be deemed to be the crime set forth in item 62 of the Appended Table of the Punishment for Organized Crime Act.