

**LAW FOR PROMOTION  
OF  
EFFECTIVE UTILIZATION OF RESOURCES**

# LAW FOR PROMOTION OF EFFECTIVE UTILIZATION OF RESOURCES

Promulgated : April 26, 1991

Revised : November 12, 1993

Revised : December 22, 1999

Revised : June 7, 2000

## Contents

Chapter 1.	General Provisions (Articles 1 – 2)	2
Chapter 2.	Basic Policy, etc. (Articles 3 – 9)	5
Chapter 3.	Designated Resources-Saving Industry (Articles 10 – 14)	7
Chapter 4.	Designated Resources-Reutilizing Industry (Articles 15 – 17)	10
Chapter 5.	Specified Resources-Saved Product (Articles 18 – 20)	12
Chapter 6.	Specified Resources-Reutilized Product (Articles 21 – 23)	14
Chapter 7.	Specified Labeled Product (Articles 24 – 25)	15
Chapter 8.	Specified Resources-Reconverted Product (Articles 26 – 33)	17
Chapter 9.	Specified By-Product (Articles 34 – 36)	22
Chapter 10.	Miscellaneous Provisions (Articles 37 – 41)	24
Chapter 11.	Penal Provisions (Articles 42 – 44)	29
	Supplementary Provisions	-

## **Chapter 1. General Provisions**

### **(Purpose)**

#### **Article 1.**

Considering that Japan relies on importing majority of important resources, that together with the development of the nation's economy in recent years a large volume of used goods and by-products has been generated and their large part is discarded because a large volume of resources is used, but that the large part of the recyclable resources and reusable parts are now being discarded without being used; in order to secure the effective utilization of resources, to reduce the generation of waste, and to contribute to the protection of the environment; the purpose of this law is to provide the basic mechanism required for promoting the reduction of the generation of used goods and by-products and the utilization of recyclable resources and reusable parts, and thereby contribute to promotion of the sound development of the nation's economy.

### **(Definition)**

#### **Article 2.**

“Used goods” in this law shall mean any articles that are collected, used or unused, or is disposed of (except radioactive materials or those contaminated thereby).

2. “By-product” in this law shall mean any articles obtained secondarily in the process of manufacturing, processing, repair or sale of the product; in the process of supply of energy; or in the process of construction pertaining to architecture and civil engineering (hereinafter referred to as “construction work”) (except radioactive materials or those contaminated thereby).
3. “The reduction of the generation of by-product” in this law shall mean to reduce by-products pertaining to the use of the said raw materials by the rationalization of the use of the raw materials, parts and other articles used for the production or the processing of the product (except the fuels specified in paragraph 2 of the Article 2 of the Law Concerning the Rational Utilization of Energy (Law No. 49 in 1979). Hereinafter

referred to as “raw materials”) and to promote the utilization of all or part of the by-product pertaining to the use of the said raw materials as recyclable resources.

4. “Recyclable resources” in this law shall mean articles that are useful and exist among used goods or by-products, and usable or possibly usable as raw materials.
5. “Reusable parts” in this law shall mean articles that are usable and exist among the used goods and are usable or possibly usable as the parts or part of the product.
6. “Resources reconversion” in this law shall mean that to reconvert all or part of usable articles among the used goods into the state where they can be utilized as recyclable resources or reusable parts.
7. “Designated Resources-Saving Industry” in this law shall mean an industry which is prescribed by the Cabinet Order for each type of the raw materials and each type of the by-products pertaining to their use specified by the Cabinet Order in the sense that the said industry is capable of reducing the generation of by-products technically and financially, and the reduction thereof is particularly necessary in an effort intended for effective use of the resources pertaining to the said raw materials and the recyclable resources.
8. “Designated Resources-Reutilizing Industry” in this law shall mean an industry which is prescribed by the Cabinet Order for each type of recyclable resources or reusable parts specified by the Cabinet Order in the sense that the said industry is capable of utilizing recyclable resources or reusable parts technically and financially, and the utilization thereof is particularly necessary in an effort intended for the effective utilization of the said recyclable resources or reusable parts.
9. “Specified Resources-Saved Product” in this law shall mean a product which is prescribed by the Cabinet Order, in the sense that the rationalization of the use of the raw materials pertaining to the product, promotion of its use for a long period, and promotion of the reduction of the generation of the used goods pertaining to the said product are particularly necessary in an effort intended for effective use of the resources pertaining to the raw materials relating to the said product.

10. “Specified Resources-Reutilized Product” in this law shall mean a product prescribed by the Cabinet Order in the sense that the product has been collected, used or unused, or disposed of, after which all or part thereof is utilized as recyclable resources or reusable parts, and promotion of the utilization thereof is particularly necessary in an effort intended for the effective utilization of the said recyclable resources or reusable parts.
11. “Specified Labeled Product” in this law shall mean a product prescribed by the Cabinet Order in the sense that it is particularly necessary in an effort intended for the effective utilization of recyclable resources to give labeling on the product in advance for separate collection (“separate collection” means to collect articles by separating them from similar ones. The same will apply hereinafter), in order to utilize as recyclable resources all or part of the product after it has been collected, used or unused, or disposed of.
12. “Specified Resources-Reconverted Product” in this law shall mean a product prescribed by the Cabinet Order, in the sense that the product (including the product that is used as parts of the other product) whose voluntary take-back (collection which is carried out by a person who operates the business of manufacturing, processing, repair or sale of the said product or which is carried out by entrusting the other person. The same will apply hereinafter.) is financially possible by the said person of the said product (the said product or the applicable other product, in case of the product used as parts of the other product) after the product has been collected, used or unused, or disposed of, all or part of the product taken back voluntarily can be technically and financially reconverted into resources, and the reversion into resources is particularly necessary in an effort intended for the effective utilization of the said recyclable resources or the reusable parts.
13. “Specified By-Product” in this law shall mean a by-product pertaining to supply of energy or construction work, promotion of the utilization of all or a part of which as recyclable resources is particularly necessary in an effort intended for the effective utilization of the said recyclable resources, and which is prescribed in the Cabinet Order for each industry as provided by the Cabinet Order.

## **Chapter 2. Basic Policy, etc.**

### **(Basic Policy)**

#### **Article 3.**

The competent minister shall establish the basic policy for promotion of effective use of resources (hereinafter referred to as the “basic policy”) in order to comprehensively and systematically promote the reduction of the generation of used goods and by-product, and the effective use of resource by utilizing recyclable resources and reusable parts, and shall announce the said basic policy.

2. The basic policy shall be established by taking into consideration the circumstances, such as the level of technology related to the utilization of recyclable resources, in respect to targets of rationalization of use of raw materials for each type of product and each type of by-product, targets of the utilization of these for each type of recyclable resources and each type of reusable parts, matters pertaining to promotion of the utilization for a long period for each type of products, matters pertaining to the diffusion of knowledge concerning the significance of promoting the effective use of resources for the contribution to the conservation of environment, and to other matters concerning promotion of effective use of resources.
3. The competent minister shall revise the basic policy, if necessary, in response to the change of the situation mentioned in the preceding paragraph.
4. The provisions prescribed in paragraphs 1 and 2 of this Article shall apply with necessary modifications to the revision of the basic policy made in accordance with the provisions prescribed in the preceding paragraph.

### **(Responsibilities of Business Entity, etc.)**

#### **Article 4.**

A person who operates business at factories or works (including those pertaining to construction works. The same will apply hereinafter), and a person who operates the

sales business (hereinafter comprehensively referred to as the “business entity”), or a person who places orders for construction works shall not only make efforts to rationalize use of raw materials in operating the business or upon placing orders for construction works, but also shall make efforts to utilize recyclable resources and reusable parts.

2. Any business entity or a person who places orders for construction works shall not only make efforts to promote the utilization of the product pertaining to the said businesses for a long period of time, but also shall make efforts to promote the utilization of all or part of the product pertaining to the said businesses after the said products have been collected, used or unused, or disposed of, as recyclable resources or reusable parts, and promote the utilization of all or part of by-products pertaining to the business or the said construction works.

#### **(Responsibility of Consumer)**

##### **Article 5.**

Any consumer shall not only make efforts to use the product as long as possible, and promote the utilization of recyclable resources and reusable parts, but also shall cooperate with the government, local authorities and business entities in implementation of measures to achieve the purpose of this Law.

#### **(Securing of Funds and Other Consideration)**

##### **Article 6.**

The government shall make efforts to take measures such as securing of necessary funds for promotion of effective use of resources.

2. The government shall duly consider promoting the utilization of recyclable resources and reusable parts when procuring articles.

#### **(Promotion of Science and Technology)**

##### **Article 7.**

The government shall make efforts to take necessary measures such as the promotion

of research and development and the diffusion of their fruits to encourage promotion of science and technology to serve for promotion of effective use of resources.

**(Measures to Deepen Citizen’s Understanding and Others)**

**Article 8.**

The government shall make efforts, through educational and publicity activities, to deepen citizen’s understanding concerning promotion of the effective utilization of resources as well as to call for the cooperation of the citizen on implementation of the said promotion.

**(Responsibility of Local Authorities)**

**Article 9.**

The local authorities shall make efforts to promote the effective use of resources in accordance with the various financial and social conditions in its district.

**Chapter 3. Designated Resources-Saving Industry**

**(Matters to be Judgment Criteria of Designated Resources-Saving Business Entity)**

**Article 10.**

In order to promote the reduction of the generation of by-product by rationalization of use of raw materials pertaining to Designated Resources-Saving Industry and the utilization of recyclable resources pertaining to the said by-product, the competent minister shall prescribe , by the ordinance of the competent ministry, matters to be judgment criteria concerning the necessary measures to be systematically taken for the reduction of the generation of by-product and other measures which pass through a person operating businesses belonging to the Designated Resources-Saving Industry (hereinafter referred to as the “Designated Resources-Saving Business Entity”) in factories or works.

2. Matters to be judgment criteria provided in the preceding paragraph shall be



prescribed with circumstances taken into consideration such as the situation of the reduction of the generation of by-product by rationalization of use of raw materials pertaining to the said Designated Resources-Saving Industry, the level of technology, and the other circumstances for the reduction of the generation of by-product by rationalization of use of raw materials, and the situation of the utilization of recyclable resources pertaining to the said by-product and the level of technology, and the other circumstances in promotion of the utilization of recyclable resources, and shall make necessary revision in response to the change of the above circumstances.

3. The competent minister shall consult with Minister of the Environment from the viewpoint of conservation of environment pertaining to promotion of recycling the resources, when the competent minister intends to prescribe matters to be judgment criteria prescribed in paragraph 1 or to make revision prescribed in the preceding paragraph.

#### **(Guidance and Counsel)**

##### **Article 11.**

The competent minister may, if he deems it necessary to ensure infallible implementation of the reduction of the generation of by-product by the Designated Resources-Saving Business Entity, give necessary guidance and counsel to the said business entity as to the reduction of the generation of by-product, taking into consideration matters to be judgment criteria provided in paragraph 1 of the preceding Article.

#### **(Preparation of Plan)**

##### **Article 12.**

A person who is the Designated Resources-Saving Business Entity and whose production quantity of product provided by the Cabinet Order pertaining to manufacturing of the said Designated Resources-Saving Business Entity in the said business year meets the requirements provided by the Cabinet Order shall provide the plan pertaining to implementation of the necessary measures to be systematically taken for the reduction of the generation of by-product provided in matters to be judgment

criteria provided in paragraph 1 of the Article 10, and shall submit it to the competent minister.

**(Advice and Directive)**

**Article 13.**

If the competent minister deems that the reduction by the Designated Resources-Saving Business Entity of the generation of by-product pertaining to the said Designated Resources-Saving Industry is substantially insufficient in the light of matters to be judgment criteria as provided in paragraph 1 of the Article 10 hereof, though the production quantity of product pertaining to his manufacturing meets the requirements provided by the Cabinet Order, the minister may give advice to the said business entity, presenting the basis for judgment, to the effect that the said business entity shall take necessary measures concerning the reduction of the generation of by-product pertaining to the said Designated Resources-Saving Industry.

2. If the Designated Resources-Saving Business Entity does not follow the advice received under the provisions of the preceding paragraph, the competent minister may announce publicly to that effect.
3. If the Designated Resources-Saving Business Entity, having received the advice provided in paragraph 1 of this Article, after it has been announced as provided in the preceding paragraph to the effect that the said business entity does not follow the advice, still does not take any measures pertaining to the advice without a justifiable reason which the competent minister deems substantially to prevent the reduction of the generation of by-product pertaining to the applicable Designated Resources-Saving Industry, the minister may direct the said Designated Resources-Saving Business Entity to take measures pertaining to the advice, after hearing the opinion of the council (here is designated the organization provided in the Article 8 of National Government Organization Act (Law No. 120 in 1948). Hereinafter the same applies.) provided by the Cabinet Order.

**(Relation with Minister of the Environment)**

**Article 14.**

In the event of implementation of the necessary measures to ensure the infallible implementation of the reduction of the generation of by-product by the Designated Resources-Saving Business Entity, the competent minister shall take a close communication with Minister of the Environment, if the execution of the said measures relates to the measures concerning the appropriate treatment of the waste.

#### **Chapter 4. Designated Resources-Reutilizing Industry**

##### **(Matters to be Judgment Criteria of Designated Resources-Reutilizing Business Entity)**

##### **Article 15.**

In order to promote the utilization of recyclable resources or reusable parts pertaining to the Designated Resources-Reutilizing Industry, the competent minister shall prescribe , by the ordinance of the competent ministry, matters to be judgment criteria concerning the utilization of recyclable resources or reusable parts by a person who operates the business belonging to the Designated Resources-Reutilizing Industry (hereinafter referred to as the “Designated Resources-Reutilizing Business Entity”) in factories or works.

2. Matters to be judgment criteria provided in the preceding paragraph shall be prescribed with circumstances taken into consideration such as the situation of the utilization of recyclable resources or reusable parts pertaining to the applicable Designated Resources-Reutilizing Industry, the level of technology in the utilization of recyclable resources or reusable parts, and the other circumstances, and necessary revision shall be made in response to the change of the above circumstances.
3. The provision of paragraph 3 of the Article 10 hereof shall apply correspondingly, if matters to be judgment criteria provided in paragraph 1 are determined, or the revision provided by the preceding paragraph is made.

##### **(Guidance and Counsel)**

## **Article 16.**

The competent minister may, if he deems it necessary to ensure infallible implementation of the utilization of recyclable resources or reusable parts by the Designated Resources-Reutilizing Business Entity, give necessary guidance and counsel to the said business entity as to the utilization of recyclable resources or reusable parts, taking into consideration matters to be judgment criteria provided in paragraph 1 of the preceding Article.

### **(Advice and Directive)**

## **Article 17.**

If the competent minister deems that the utilization of recyclable resources or reusable parts pertaining to the Designated Resources-Reutilizing Industry is substantially insufficient in the light of matters to be judgment criteria as provided in paragraph 1 of the Article 15 hereof though the quantity of product manufactured by a Designated Resources-Reutilizing Business Entity of the said Industry, or the amount of money for a construction work executed thereby meets the requirements as prescribed in the Cabinet Order, the minister may give advice to the said business entity, presenting the basis for judgment, to the effect that he shall take necessary measures concerning the utilization of recyclable resources or reusable parts pertaining to the Designated Resources-Reutilizing Industry.

2. If the Designated Resources-Reutilizing Business Entity does not follow the advice received under the provisions of the preceding paragraph, the competent minister may announce publicly to that effect.
3. If the Designated Resources-Reutilizing Business Entity, having received the advice provided in paragraph 1 of this Article, after it has been announced as provided in the preceding paragraph to the effect that the said business entity does not follow the advice, still does not take any measures pertaining to the advice without a justifiable reason which the competent minister deems substantially to prevent the utilization of recyclable resources or reusable parts pertaining to the applicable Designated Resources-Reutilizing Industry, the minister may direct the said Designated

Resources-Reutilizing Business Entity to take measures pertaining to the advice, after hearing the opinion of the council provided by the Cabinet Order.

## **Chapter 5. Specified Resources-Saved Product**

### **(Matters to be Judgment Criteria of Specified Resources-Saved Product Business Entity)**

#### **Article 18.**

In order to promote the reduction of the generation of used goods pertaining to the Specified Resources-Saved Product, the competent minister shall prescribe , by the ordinance of the competent ministry, matters to be judgment criteria concerning the reduction of the generation of used goods by a person who operates the business of manufacturing, processing, repair or sale of the Specified Resources-Saved Product (hereinafter referred to as the “Specified Resources-Saved Product Business Entity”).

2. Matters to be judgment criteria provided in the preceding paragraph shall be prescribed with circumstances taken into consideration such as the situation of the reduction of the generation of used goods pertaining to the applicable Specified Resources-Saved Product, the level of technology in reduction of the generation of used goods and the other circumstances, and necessary revision shall be made in response to the change of the above circumstances.
3. The provision of paragraph 3 of the Article 10 hereof shall apply correspondingly, if matters to be judgment criteria provided in paragraph 1 are determined, or the revision provided by the preceding paragraph is made.

### **(Guidance and Counsel)**

#### **Article 19.**

The competent minister may, if he deems it necessary to promote the reduction of the generation of used goods pertaining to the Specified Resources-Saved Product, give necessary guidance and counsel to the said business entity as to the reduction of the

generation of used goods, taking into consideration matters to be judgment criteria provided in paragraph 1 of the preceding Article.

**(Advice and Directive)**

**Article 20.**

If the competent minister deems that the reduction of the generation of used goods pertaining to the applicable Specified Resources-Saved Product is substantially insufficient in the light of matters to be judgment criteria as provided in paragraph 1 of the Article 18 hereof though the quantity of product manufactured by a Specified Resources-Saved Product Business Entity, or the amount of sale for Specified Resources-Saved Product pertaining to its manufacturing or sale executed thereby meets the requirements as prescribed in the Cabinet Order, the minister may give advice to the said business entity, presenting the basis for judgment, to the effect that he shall take necessary measures concerning the reduction of the generation of used goods pertaining to the applicable Specified Resources-Saved Product.

2. If the Specified Resources-Saved Product Business Entity does not follow the advice received under the provisions of the preceding paragraph, the competent minister may announce publicly to that effect.
3. If the Specified Resources-Saved Product Business Entity, having received the advice provided in paragraph 1 of this Article, after it has been announced as provided in the preceding paragraph to the effect that the said business entity does not follow the advice, still does not take any measures pertaining to the advice without a justifiable reason which the competent minister deems substantially to prevent the reduction of the generation of used goods pertaining to the applicable Specified Resources-Saved Product, the minister may direct the said Specified Resources-Saved Product Business Entity to take measures pertaining to the advice, after hearing the opinion of the council provided by the Cabinet Order.

**Chapter 6. Specified Resources-Reutilized Product**

**(Matters to be Judgment Criteria of Specified Resources-Reutilized Product Business Entity)**

**Article 21.**

In order to promote the utilization of recyclable resources or reusable parts pertaining to the Specified Resources-Reutilized Product, the competent minister shall prescribe, by the ordinance of the competent ministry, matters to be judgment criteria concerning promotion of the utilization of recyclable resources or reusable parts which pass through the business entity of manufacturing, processing, repair or sale of the said Specified Resources-Reutilized Product (hereinafter referred to as the “Specified Resources-Reutilized Product Business Entity”).

2. Matters to be judgment criteria provided in the preceding paragraph shall be prescribed taking into consideration the situation of the utilization of recyclable resources or reusable parts pertaining to the applicable Specified Resources-Reutilized Product, the level of technology involved in promotion of the utilization of recyclable resources or reusable parts and the other circumstances, and shall be revised in response to the change of these circumstances.
3. The Provision of paragraph 3 of the Article 10 hereof shall apply correspondingly, if matters to be judgement criteria provided in paragraph 1 are determined, or the revision provided by the preceding paragraph is made.

**(Guidance and Counsel)**

**Article 22.**

The competent minister may, if he deems it necessary for promotion of the utilization of recyclable resources or reusable parts pertaining to the Specified Resources-Reutilized Product, give necessary guidance and counsel to a Specified Resources-Reutilized Product Business Entity as to promotion of the utilization of recyclable resources or reusable parts taking into consideration matters to be judgment criteria prescribed in paragraph 1 of the preceding Article.

**(Advice and Directive)**

## **Article 23.**

If the competent minister deems that promotion of the utilization of recyclable resources or reusable parts pertaining to the Specified Resources-Reutilized Product is substantially insufficient in the light of matters to be judgment criteria provided in paragraph 1 of the Article 21 hereof though the quantity of product manufactured by a Specified Resources-Reutilized Product Business Entity, or the amount of sale for the Specified Resources-Reutilized Product meets the requirements prescribed by the Cabinet Order, the minister may give advice to the said business entity presenting the basis for judgment, to the effect that the said Specified Resources-Reutilized Product Business Entity shall take necessary measures concerning promotion of the utilization of recyclable resources or reusable parts pertaining to the said Specified Resources-Reutilized Product.

2. If the Specified Resources-Reutilized Product Business Entity does not follow the advice received under the provisions of the preceding paragraph, the competent minister may announce publicly to that effect.
3. If the Specified Resources-Reutilized Product Business Entity, having received the advice provided in paragraph 1 of this Article, after it has been announced as provided in the preceding paragraph to the effect that the said business entity does not follow the advice, still does not take any measures pertaining to the advice without a justifiable reason which the competent minister deems substantially to prevent promotion of the utilization of recyclable resources or reusable parts pertaining to the applicable Specified Resources-Reutilized Product, the minister may direct the said Specified Resources-Reutilized Product Business Entity to take measures pertaining to the advice, after hearing the opinion of the council provided by the Cabinet Order.

## **Chapter 7. Specified Labeled Product**

**(Matters to be Standards for Labeling by Specified Labeled Product Business Entity)**

## **Article 24.**



In order to promote the utilization of recyclable resources pertaining to the Specified Labeled Product, the competent minister shall provide, by the ordinance of the competent ministry, matters to be standards for labeling as to the following matters for each Specified Labeled Product:

- (1) Matters to label concerning separate collection such as quality of materials or their composition;
  - (2) Method of labeling and matters for a person operating the business of manufacturing, processing or sale of the Specified Labeled Product (including the business entity who places orders of manufacturing of the Specified Labeled Product in order to use it for its business. Hereinafter referred to as the “Specified Labeled Product Business Entity”.) to observe when a person labels the matters mentioned in the preceding item;
2. The provision of paragraph 3 of the Article 10 shall apply correspondingly, if matters to be standards for labeling provided in the preceding paragraph are determined.

**(Advice and Directive)**

**Article 25.**

If any Specified Labeled Product Business Entity (who is small-sized business proprietor prescribed in paragraph 5 of the Article 2 of Minor Enterprise Basic Law (Law No. 154 in 1963) and the ones prescribed in the other Cabinet Orders, except ones whose income amount prescribed by this Cabinet Order meets the requirements prescribed in the Cabinet Order) does not label the matters stated in item (1) of paragraph 1 of the preceding Article and provided by the ordinance of the competent ministry mentioned in paragraph 1 of the said Article (hereinafter referred to as the “labeling matter”), or does not observe the matters enumerated in item (2) of, and provided by the ordinance of the competent ministry mentioned in, paragraph 1 of the preceding Article (hereinafter referred to as the “observing matter”), the competent minister may give advice to the said Specified Labeled Product Business Entity to the effect that it shall label the labeling matter, or observe the observing matter.

2. If the Specified Labeled Product Business Entity has not followed the advice received provided by the preceding paragraph, the competent minister may announce publicly to that effect.
3. If the Specified Labeled Product Business Entity having received the advice provided by the first paragraph of this Article, after it has been announced publicly as provided in the preceding paragraph, to the effect that the business entity does not follow the advice, still does not take any measures pertaining to the advice without a justifiable reason which the competent minister deems substantially to prevent promotion of the utilization of recyclable resources pertaining to the applicable Specified Labeled Product, the minister may direct the said business entity to take measures pertaining to the advice after hearing the opinion of the council provided by the Cabinet Order.

## **Chapter 8. Specified Resources-Reconverted Product**

### **(Matters to be Judgment Criteria of Specified Resources-Reconverted Product Business Entity)**

#### **Article 26.**

In order to promote the utilization of recyclable resources or reusable parts pertaining to the Specified Resources-Reconverted Product, the competent minister shall prescribe, by the ordinance of the competent ministry, matters to be judgment criteria concerning the below-enumerated items for a person who operates the business of manufacturing, processing, repair or sale of the said Specified Resources-Reconverted Products (including a person who operates the business of manufacturing, processing, repair or sale of the products prescribed in the Cabinet Order and utilizing the Specified Resources-Reconverted Product as parts. Hereinafter referred to as “Specified Resources-Reconverted Product Business Entity”):

- (1) Matters concerning securing of effectiveness of voluntary take-back of used Specified Resources-Reconverted Product (which means the product where the Specified Resources-Reconverted Product is collected, used or unused, or

disposed of. The same will apply hereafter.) and method of implementation;

- (2) Matters concerning the target of the resources reconversion of used Specified Resources-Reconverted Product and matters concerning method of implementation;
  - (3) Implementation of receipt and method of receipt of used Specified Resources-Reconverted Product if the municipality requests the receipt, and matters concerning cooperation with the municipality;
  - (4) Other necessary matters concerning implementation of voluntary take-back and resources reconversion;
2. Matters to be judgment criteria provided in the preceding paragraph shall be prescribed with the circumstances taken into consideration such as the situation of voluntary take-back and resources reconversion pertaining to the applicable used Specified Resources-Reconverted Product, the level of technology concerning the resources reconversion, the situation of take-back and disposition carried out by the municipality and the other circumstances, and shall be revised in response to the change of these circumstances.

**(Authorization of Voluntary Take-back and Resources Reconversion of Used Specified Resources-Reconverted Product)**

**Article 27.**

The Specified Resources-Reconverted Product Business Entity may receive the authorization of the competent minister, concerning the fact that it complies with all of the following items, in accordance with the provisions provided in the ordinance of the competent ministry, when it intends to independently or jointly implement the voluntary take-back and the resources reconversion of the used Specified Resources-Reconverted Product:

- (1) The applied voluntary take-back and resources reconversion shall comply with matters to be judgment criteria provided in paragraph 1 of the preceding Article;

- (2) A person who implements necessary actions for the applied voluntary take-back and resources reconversion shall comply with the standards provided in the ordinance of the competent ministry;
  - (3) A person who is provided in the preceding item shall possess the facility that complies with the standards provided in the ordinance of the competent ministry;
  - (4) Concerning the voluntary take-back and the resources reconversion pertaining to the application of two or more Specified Resources-Reconverted Product Business Entities who operate the business belonging to the same industry, the following (a) and (b) shall be observed;
    - (a) A proper competition between the two or more applicable Resources-Reconverted Product Business Entities and the other business entities belonging to the said industry shall be secured;
    - (b) There shall not be any possibility to unfairly impair the interests of general consumers and related business entities;
2. A person who intends to receive the authorization of the preceding paragraph must submit the application documents stating the matters mentioned below and the other document provided in the ordinance of the competent ministry to the competent minister, as per provided in the ordinance of the competent ministry:
- (1) Name or appellation and address, and name of the representative in case of corporation;
  - (2) Type of used Specified Resources-Reconverted Product as object of voluntary take-back and resources reconversion;
  - (3) Target of voluntary take-back and resources reconversion;
  - (4) A person who implements the action necessary for voluntary take-back and resources reconversion, and facility that serves for the action necessary for voluntary take-back and resources reconversion;

- (5) Matters concerning the method of voluntary take-back and resources reconversion and other contents;
3. The competent minister shall give the authorization of paragraph 1, when he deems that the voluntary take-back and resources reconversion pertaining to the application of the authorization of paragraph 1 comply with all of the items of the said paragraph.

**(Authorization of Modification)**

**Article 28.**

The Specified Resources-Reconverted Product Business Entity who has received the authorization of paragraph 1 of the preceding Article hereof (hereinafter referred to as “Authorized Specified Resources-Reconverted Product Business Entity”) must receive the authorization of the competent minister, when the said business entity intends to make modification of the matters enumerated in items 2 through 5 of paragraph 2 of the same Article (except a slight modification provided in the ordinance of the competent ministry).

2. The provisions of paragraphs 2 and 3 of the preceding Article apply correspondingly for the authorization of the modification of the preceding paragraph.

**(Abolishment of Authorization)**

**Article 29.**

The competent minister may abolish the said authorization, when he deems that the voluntary take-back and resources reconversion pertaining to the authorization of paragraph 1 of the Article 27 has stopped to comply with any of the items of the said paragraph.

**(Relation with the Fair Trade Commission)**

**Article 30.**

The competent minister may ask for the opinion of the Fair Trade Commission, concerning the measures for voluntary take-back and resources reconversion pertaining to the said application, when he deems necessary, in the case where he

intends to give authorization as provided in paragraph 1 of the Article 27 (including the authorization of modification as provided in paragraph 1 of the Article 28. The same will apply in the next paragraph and the next Article) for the voluntary take-back and resources reconversion pertaining to the application of two or more Specified Resources-Reconverted Product Business Entities who operate the business belonging to the same industry.

2. The Fair Trade Commission may give the opinion, when the Commission deems it necessary to give his opinion, concerning the matters authorized by the competent minister according to the provisions of paragraph 1 of the Article 27 as the measures for the voluntary take-back and the resources reconversion where the Commission is requested to give his opinion to the competent minister according to the provisions of the preceding paragraph.

**(Consideration in the Waste Disposal and Public Cleansing Law)**

**Article 31.**

Minister of the Environment shall give an appropriate consideration, in order to aim at a smooth implementation of voluntary take-back and resources reconversion pertaining to the authorization according to the provisions of paragraph 1 of the Article 27 hereof, when the provisions of the Waste Disposal and Public Cleansing Law (Law No. 137 in 1970) apply.

**(Guidance and Counsel)**

**Article 32.**

The competent minister may, if he deems it necessary for promotion of voluntary take-back and resources reconversion of used Specified Resources-Reconverted Product, give necessary guidance and counsel to a Specified Resources-Reconverted Product Business Entity as to the voluntary take-back and resources reconversion of used Specified Resources-Reconverted Product taking into consideration matters to be judgment criteria prescribed in paragraph 1 of the Article 26.

**(Advice and Directive)**

### **Article 33.**

If the competent minister deems that the voluntary take-back and resources reconversion of the said used Specified Resources-Reconverted Product is substantially insufficient in the light of matters to be judgment criteria provided in paragraph 1 of the Article 26 hereof though the quantity of the said Product manufactured or sold by the Specified Resources-Reconverted Product Business Entity using the said Product as parts and provided in the said paragraph meets the requirements prescribed by the Cabinet Order, the minister may give advice to the said business entity presenting the basis for judgment, to the effect that the said Specified Resources-Reconverted Product Business Entity shall take necessary measures concerning the voluntary take-back and resources reconversion of the said used Specified Resources-Reconverted Product.

2. If the Specified Resources-Reconverted Product Business Entity does not follow the advice received under the provisions of the preceding paragraph, the competent minister may announce publicly to that effect.
3. If the Specified Resources-Reconverted Product Business Entity, having received the advice provided in paragraph 1 of this Article, after it has been announced as provided in the preceding paragraph to the effect that the said business entity does not follow the advice, still does not take any measures pertaining to the advice without a justifiable reason which the competent minister deems substantial to prevent the voluntary take-back and resources reconversion of the said used Specified Resources-Reconverted Product, the minister may direct the said Specified Resources-Reconverted Product Business Entity to take measures pertaining to the advice, after hearing the opinion of the council provided by the Cabinet Order.

## **Chapter 9. Specified By-Product**

### **(Matters to be Judgment Criteria of Specified By-Product Business Entity)**

### **Article 34.**

In order to promote the utilization of recyclable resources pertaining to the Specified By-Product, the competent minister shall prescribe, by the ordinance of the competent ministry, matters to be judgment criteria concerning promotion of the utilization of recyclable resources which pass through a business entity belonging to the industry pertaining to the Specified By-Product in its works (hereinafter referred to as the “Specified By-Product Business Entity”).

2. Matters to be judgment criteria provided in the preceding paragraph shall be prescribed with circumstances taken into consideration such as the situation of the utilization of the recyclable resources pertaining to the applicable Specified By-Product, the level of technology in promotion of the utilization of recyclable resources and the other circumstances, and necessary revision shall be made in response to the change of the above circumstances.
3. The provisions of paragraph 3 of the Article 10 hereof shall apply correspondingly, if matters to be judgment criteria provided in paragraph 1 are determined, or the revision provided by the preceding paragraph is made.

**(Guidance and Counsel)**

**Article 35.**

The competent minister may, if he deems it necessary for promotion of the utilization of recyclable resources pertaining to the Specified By-Product, give necessary guidance and counsel to a Specified By-Product Business Entity as to promotion of the utilization of recyclable resources, taking into consideration matters to be judgment criteria prescribed by paragraph 1 of the preceding Article.

**(Advice and Directive)**

**Article 36.**

If the competent minister deems that the utilization of recyclable resources pertaining to the Specified By-Product by the Specified By-Product Business Entity is substantially insufficient in the light of matters to be judgment criteria as provided in paragraph 1 of the Article 34 hereof though the quantity of product manufactured, the



quantity of energy supplied, or the amount of money of construction works executed, by the Specified By-Product Business Entity meets the requirements prescribed by the Cabinet Order, the minister may give advice to the said Specified By-Product Business Entity presenting the basis of the judgment to the effect that the said business entity shall take necessary measures concerning promotion of the utilization of recyclable resources pertaining to the said Specified By-Product.

2. If the Specified By-Product Business Entity does not follow the advice received under the provisions of the preceding paragraph, the competent minister may announce publicly to that effect.
3. If the Specified By-Product Business Entity having received the advice as provided by paragraph 1 of this Article, after it has been publicly announced as provided in the preceding paragraph to the effect that the said business entity does not follow the advice, still does not take measures pertaining to the advice without a justifiable reason which the competent minister deems substantially to prevent promotion of the utilization of recyclable resources pertaining to the said Specified By-Product, the ministry may direct the said Specified By-Product Business Entity to take measures pertaining to the advice, after hearing the opinion of the council provided by the Cabinet Order.

## **Chapter 10. Miscellaneous Provisions**

### **(Report and On-The-Spot Inspection)**

#### **Article 37.**

The competent minister may, under the provisions of the Cabinet Order within the limit required for implementation of the provisions prescribed in the Articles 13 and 17 hereof, cause the Designated Resources-Saving Business Entity or Designated Resources-Reutilizing Business Entity to render a report on the business conditions, or cause his officials to enter the office, factory, works or warehouse of the Designated Resources-Saving Business Entity or the Designated Resources-Reutilizing Business

Entity and to inspect facilities, books, papers and other related materials of the Designated Resources-Saving Business Entity or Designated Resources-Reutilizing Business Entity.

2. Under the provisions of the Cabinet Order within the limit required for implementation of the provisions as prescribed in the Articles 20, 23 and 25, the competent minister may cause the Specified Resources-Saved Product Business Entity, Specified Resources-Reutilized Product Business Entity or Specified Labeled Product Business Entity to render a report on the business conditions pertaining respectively to the Specified Resources-Saved Product, Specified Resources-Reutilized Product or Specified Labeled Product, or cause the officials of the minister to enter the office, factory, works or warehouse of the Specified Resources-Saved Product Business Entity, Specified Resources-Reutilized Product Business Entity or Specified Labeled Product Business Entity, and to inspect respectively the Specified Resources-Saved Product, Specified Resources-Reutilized Product, Specified Labeled Product, books, papers and other articles.
3. Within the limit required for implementation of the provisions as prescribed in the Articles 28 and 29, the competent minister may cause the authorized Specified Resources-Reconverted Product Business Entity to render a report on the situation of voluntary take-back or resources reconversion of the used Specified Resources Reconverted Product, or cause the officials of the minister to enter the office, factory, works or warehouse of the Specified Resources Reconversion Business Entity, and to inspect books, papers and the other articles.
4. Under the provisions of the Cabinet Order within the limit required for implementation of the provisions as prescribed in the Article 33, the competent minister may cause the Specified Resources-Reconverted Product Business Entity to render a report on the situation of implementation of voluntary take-back or resources reconversion of the used Specified Resources-Reconverted Product, or cause the officials of the minister to enter the office, factory, works or warehouse of the Specified Resources-Saved Product Business Entity, and to inspect books, papers and other articles.

5. Under the provisions of the Cabinet Order within the limit required for implementation of the provisions prescribed in the preceding Article, the competent minister may cause the Specified By-Product Business Entity to render a report on the business conditions pertaining to the Specified By-Product, or the officials of the minister to enter the office, factory, works or warehouse of the Specified By-Product Business Entity, and to inspect the Specified By-Product, books, papers and the other articles relating thereto.
6. The officials of the minister making an on-the-spot inspection in conformity with the provisions of the five preceding paragraphs shall carry with them a certificate to identify themselves and shall present it to whom it may concern.
7. The authority prescribed in paragraphs 1 through 5 of this Article for on-the-spot inspections shall not be construed as being an approval for a criminal investigation.

**(Hearing in the Procedures of Appeal)**

**Article 38.**

The judgment or decision (excluding the judgment or decision of rejection) on request for review or objection as to the directive prescribed in paragraph 3 of the Article 13, paragraph 3 of the Article 17, paragraph 3 of the Article 20, paragraph 3 of the Article 23, paragraph 3 of the Article 25, paragraph 3 of the Article 33 or paragraph 3 of the Article 36 shall be awarded after an open hearing is held with a reasonable period advance notice to a person who has made the objection or request for review.

2. The advance notice prescribed in the preceding paragraph shall state the date, place and issues involved.
3. Upon a hearing, an opportunity shall be afforded to those who made a request for review or to those who raised an objection and an interested party thereof to produce evidences and state their opinions on the said issues.

**(Competent Minister, etc.)**

**Article 39.**

The competent ministers in this law are as follows:

- (1) Minister of Economy, Trade and Industry, Minister of Land, Infrastructure and Transport, Minister of Agriculture, Forestry and Fisheries, Minister of Finance, Minister of Health, Labour and Welfare, Minister of the Environment for establishing the basic policy as provided in paragraph 1 of the Article 3 and their public announcement, and the matters concerning the revision of the basic policy provided in paragraph 3 of the said Article;
- (2) The minister controlling businesses belonging to the Designated Resources-Saving Industry for establishing matters to be judgment criteria provided in paragraph 1 of the Article 10, the revision of the said matters provided in paragraph 2 of the said Article, the guidance and counsel provided in the Article 11, the plan provided in the Article 12, the advice provided in paragraph 1 and public announcement provided in paragraph 2 and the directive provided in paragraph 3 of the Article 13, and collecting reports and conducting on-the-spot inspection provided in paragraph 1 of the Article 37;
- (3) The minister controlling businesses belonging to the applicable Designated Resources-Reutilizing Industry for establishing matters to be judgment criteria provided in paragraph 1 of the Article 15, the revision of the said matters provided in paragraph 2 of the said Article, the guidance and counsel provided in the Article 16, the advice provided in paragraph 1 and the public announcement provided in paragraph 2 and the directive provided in paragraph 3 of the Article 17, and collecting reports and conducting on-the-spot inspection provided in paragraph 1 of the Article 37;
- (4) The minister controlling the business of manufacturing, processing, repair or sale of the applicable Specified Resources-Saved Product, of manufacturing, processing, repair or sale of the applicable Specified Resources-Reutilized Product or of manufacturing, processing or sale of the applicable Specified Labeled Product (the business of the applied Business Entity, in case of the business entity that places order of manufacturing of the Specified Labeled Product serving for its

business) under the provisions of the Cabinet Order, for establishing matters to be judgment criteria provided by paragraph 1 and the revision of the said matters provided in paragraph 2 of the Article 18, the guidance and counsel provided in the Article 19, the advice provided in paragraph 1, the public announcement provided in paragraph 2 and the directive provided in paragraph 3 of the Article 20, establishing matters to be judgment criteria provided in paragraph 1 and the revision of the applied matters provided in paragraph 2 of the Article 21, the guidance and advice provided in the Article 22, advice provided in paragraph 1 and public announcement provided in paragraph 2 and directive provided in paragraph 3 of the Article 23, establishing matters to be standards for labeling provided in paragraph 1 of the Article 24, the advice provided in paragraph 1, the public announcement provided in paragraph 2 and directive provided in paragraph 3 of the Article 25, and the collection of the report and conducting the on-the-spot inspection provided in paragraph 2 of the Article 37;

- (5) The minister controlling the business of manufacturing, processing, repair or sale of the applicable Specified Resources Reconverted Product, or of manufacturing, processing, repair or sale of the product provided in the Cabinet Order of paragraph 1 of the Article 26 utilizing the applicable Specified Resources-Reconverted Product as parts and Minister of the Environment under the provisions of the Cabinet Order, for establishing matters to be judgment criteria provided by paragraph 1 and the revision of the said matters provided in paragraph 2 of the Article 26, the authorization provided in paragraph 1 of the Article 27, the authorization of modification provided in paragraph 1 of the Article 28, the abolishment of authorization provided in the Article 29, the opinion provided in the Article 30, the guidance and counsel provided in the Article 32, the advice provided in paragraph 1, the public announcement provided in paragraph 2 and the directive provided in paragraph 3 of the Article 33, and collecting the report and conducting the on-the-spot inspection provided in paragraphs 3 and 4 of the Article 37;
- (6) The minister controlling businesses belonging to the industries pertaining to the

applicable Specified By-Product, under the provisions of the Cabinet Order, for establishing matters to be judgment criteria for provided in paragraph 1, the revision of the said matters provided in paragraph 2 of the Article 34, guidance and counsel provided in the Article 35, advice provided in paragraph 1, and public announcement provided in paragraph 2 and directive provided in paragraph 3 of the Article 36, and matters concerning the collection of report and conducting on-the-spot inspection provided in paragraph 5 of the Article 37;

2. The ordinance of the competent ministry in this law shall be the one issued by the competent minister prescribed in item (2) or (3) of the preceding paragraph respectively for the matters prescribed in items (2) and (3) of the said paragraph, and the one issued by the competent minister prescribed in items (4) to (6) pursuant to the Cabinet Order, respectively for matters provided in the items (4) to (6) of the said paragraph.
3. The authority invested by this law may be delegated to the head of local bureaus, and agencies.

#### **Article 40.**

The competent minister, if he deems it necessary to achieve the object of this law, may request necessary cooperation to Minister of the Environment for promotion of the utilization of recyclable resources or reusable parts concerning the disposal of wastes.

#### **(Transitional Measures)**

#### **Article 41.**

In case that a directive is instituted, revised or abolished under the provisions of this law, the directive may provide necessary transitional measures (including those concerning penal provisions) resulted from the institution, revision or abolishment within the limit deemed reasonably necessary.

### **Chapter 11. Penal Provisions**

**Article 42.**

A person who disobeys to the directives as prescribed in paragraph 3 of the Article 13, paragraph 3 of the Article 17, paragraph 3 of the Article 20, paragraph 3 of the Article 23, paragraph 3 of the Article 25, paragraph 3 of the Article 33 or paragraph 3 of the Article 36 shall be punished with a fine not exceeding five hundred thousand yen (¥500,000).

**Article 43.**

A person, who meets any of the following items, shall be punished with a fine not exceeding two hundred thousand yen (¥200,000):

- (1) A person who will not submit what is provided in the Article 12;
- (2) A person who will not submit the report pursuant to paragraphs 1 through 5 of the Article 37, or will submit a fictitious report, or refuse, prevent or evade inspection by the government prescribed in these paragraphs;

**Article 44.**

If the representative of a juridical person, or the agent, the employee or the other worker of a natural or juridical person, commits an offense prescribed in the preceding two Articles relating to the business of the said person, not only the actual offender shall be punished but also the said natural or juridical person who employs the offender shall be subject to the penalty prescribed in relevant Articles.