

Law for Recycling of Specified Kinds of Home Appliances

June 1998

Ministry of International Trade and Industry

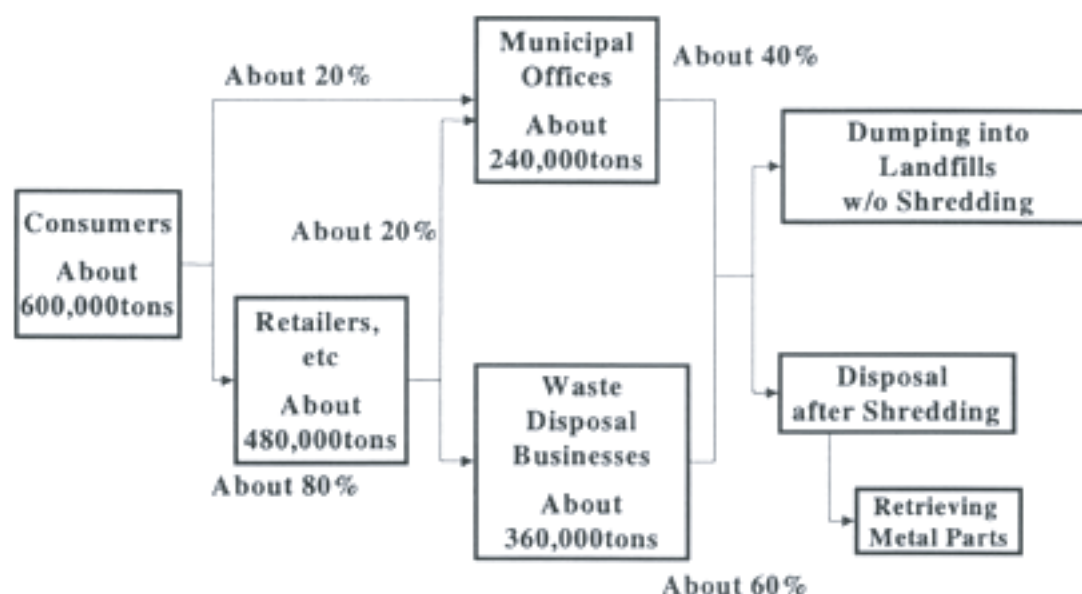
1 Purpose

A. Eighty percent of used consumer electric goods discarded by consumers are collected by retailers, and twenty percent by municipal offices.

After collection, almost half of them are dumped into landfills without being crushed. The other half are crushed by shredder, and though in some cases certain metal parts are removed, most of the natural resources contained in used consumer electric goods are dumped without any utilization.

(Note) The available landfills are filling up rapidly with shredder dusts.

Current Flow of Disposed Home Appliances (TVs, Refrigerators, Air-Conditioners, and Washing Machines)



B. We need to reduce wastes and recycle valuable parts and materials and then construct a so-called "closed loop economy" in which used materials can be made into new products. For this purpose, a completely new recycling system is urgently needed. This system should be based on new obligations on manufacturers and retailers.

It can contribute to rational use of natural resources and energy, and also the development of environment-related industries through technology building.

2 Scheme

Purpose The purpose of the law is to take measures to appropriately and smoothly implement collection and recycling home appliances by retailers, manufacturers and importers, then to secure the appropriate disposal of waste and utilization of natural resources, and consequently to contribute to preservation of life environments and sound development of the national economy.

Scope The objectives for recycling under this law will be specified from among home appliances by government order, according to the following criteria.

- Difficult to be disposed of by municipal offices
- Needs to be recycled because the appliance contains valuable materials that can be recycled
- Designing of a product and selection of materials by the manufacturer determine the feasibility of recycling
- To have retailers collect certain appliances is rational because those sold appliances are delivered by retailers.

Definition of Recycling The following are defined as recycling.

- Removing parts and materials and then reusing them
- Removing parts and materials and reusing them as fuel (thermal recycling)

Deciding the Basic Plan In order to comprehensively and steadily promote collection and recycling, the Ministers of Welfare, of International Trade and Industry, and of the Environment Agency are to decide the basic plan and then publicize it.

Roles Played by Those Concerned

a Manufacturers and Importers

Obligation to take back Manufacturers or importers have an obligation to take back home appliances which they themselves have manufactured or imported, at previously designated take-back-sites. They are also obliged to appropriately arrange designated take-back-sites to ensure efficient recycling and smooth transfer of those appliances from retailers and municipal offices.

Obligation of Recycling Manufacturers and importers are obliged to recycle used home appliances taken back according to the recycling standards set by the government.

b Retailers

Obligation to take back Retailers are obliged to take back used home appliances when requested in the following two cases.

- When the appliances are those which retailers themselves previously sold to consumers
- When retailers sell the same kind of home appliances to consumers

Obligation to transfer After taking back those appliances, retailers are obliged to transfer them to the relevant manufacturers or importers. When the relevant manufacturers or importers are unknown, retailers are obliged to transfer them to "Independent Bodies."

c Consumers Consumers are obliged to cooperate in appropriately transferring used appliances to retailers and so forth in order to ensure recycling, and agreeing to pay necessary fees for transfer and recycling of those appliances.

d Municipal offices Municipal offices may transfer to manufacturers or "Independent Bodies" used appliances which they took back from consumers. Municipal offices are permitted to recycle these appliances by themselves.

Cost Recovery

Manufacturers or importers are able to charge recycling fees to retailers for recycling used appliances taken back from retailers. Recycling fees must not be above the appropriate costs for efficient recycling, and should be set at an appropriate level so as not to discourage discard by consumers.

Retailers are able to charge collection fees and recycling fees to consumers for taking back used appliances from consumers and transferring them to the relevant manufacturers or importers.

Retailers, manufacturers and importers are obliged to publicize their collection or recycling fees. The government must provide appropriate information on recycling. In the case that retailers, manufacturers or importers charge unjustified fees, the government is to order the charger to correct them.

Others

Manifest System Manifests must be issued by retailers to manufacturers or importers in order to secure reliable transportation.

"Independent Bodies" The government may give special status of "Independent Body" to certain non-profit organizations conducting recycling. Independent Bodies implement the following and other duties.

- Recycling used appliances of which manufacturers or importers are unknown.
- Recycling used appliances when small and medium-sized manufacturers or importers entrust Independent Bodies with recycling
- Collecting used appliances municipal offices or residents find difficult to transfer to manufacturers or importers.

Surveillance of Retailers, Manufacturers and Importers

In order to ensure that retailers, manufacturers and importers meet their obligations, the Ministers of Welfare and International Trade and Industry are to survey them by reporting and inspections and order their compliance if necessary.

Relation with the Waste Management and Public Cleansing Law

The Waste Management and Public Cleansing Law provides for the necessary measures to ensure the preservation of living environments during recycling.

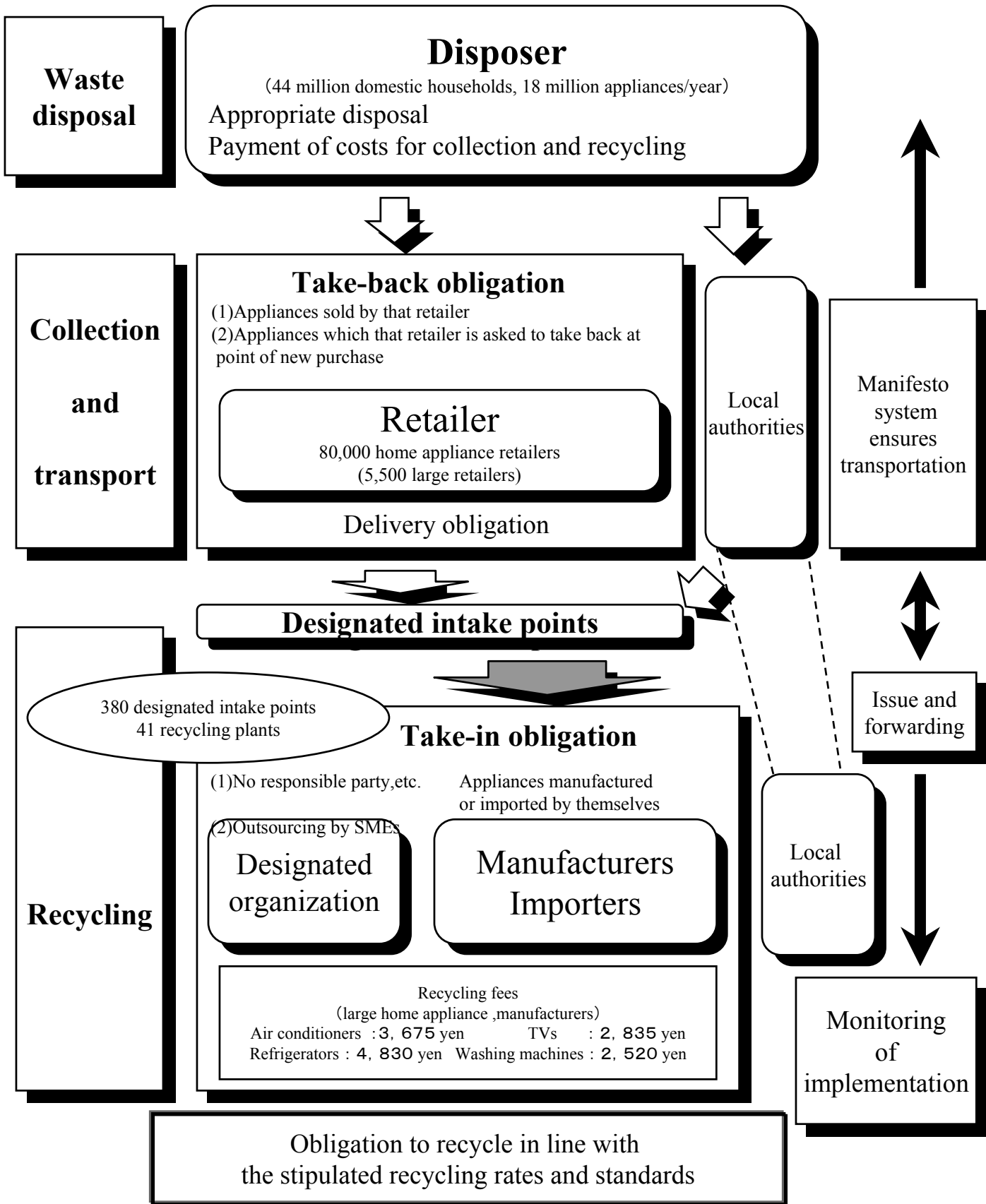
With a view to insuring smooth recycling, exceptions can be granted under this law to allow recycling by manufacturers and importers without the need for them to obtain permission.

Date Law Takes Effect and Reconsideration

Some parts of this law will become effective within six months after the Diet approved it. However, a major part of the law, including the obligations of retailers, manufacturers and importers, will be effective after a three-year transition period.

Five years after the entire law goes into effect, the government will reconsider if necessary whether the whole system is appropriate.

CHART2: The Home Appliance Recycling Law in Action



HOME APPLIANCE RECYCLING LAW

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Chapter 1	General Provisions
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(Objective)

Article 1

This legislation shall have the objective of contributing to the maintenance of the living environment and the healthy development of the national economy, by taking steps to secure the proper disposal of waste and effective utilization of resources through the introduction of measures for proper and smooth collection, transportation, and recycling of specific household appliance waste by retail traders or manufacturers of specific household appliances, with the aim of achieving a reduction in the volume of general waste and sufficient utilization of recycled resources.

(Definitions)

Article 2

For the purposes of this legislation, "recycling" of appliances which have become general waste (by which is meant general waste as defined in Article 2 paragraph 1 of the Waste Management and Cleaning Law (Law No. 137 of 1970, hereinafter referred to as "the Waste Management Law"); the same shall apply hereinafter) shall mean the following acts.

- (1) The act of separating components and/or materials from appliances which have become general waste and using them as components or raw materials for ones own products.
- (2) The act of separating components and/or materials from appliances that have become general waste and converting them into a state in which they may be transferred with or without charge to a person who uses them as components or raw materials for

products.

- 2 For the purposes of this legislation, "heat retrieval with respect to appliances that have become general waste shall mean the following acts.
 - (1) The act of producing heat from components and/or materials separated from appliances which have become general waste but have not been recycled and which may be provided for purposes of combustion, or have the potential thereto.
 - (2) The act of converting components and/or materials separated from appliances which have become general waste but have not been recycled and which may be provided for purposes of combustion, or have the potential thereto, into a state in which they may be transferred with or without charge to a person who produces heat from them.
- 3 For the purposes of this legislation, "recycling, etc." with respect to appliances which have become general waste shall mean recycling and heat retrieval.
- 4 For the purposes of this legislation, "specific household appliances" shall mean electrical and other appliances provided for the purpose of daily subsistence by ordinary consumers and which fall under any of the following clauses as determined by government directives.
 - (1) The said appliances for which recycling, etc. is judged to be difficult once they have become general waste, in view of the equipment and technology pertaining to waste disposal by municipal authorities, etc.
 - (2) The said appliances which, in view of the effective use of resources, are in particular need of recycling, etc. once they have become general waste, and which are deemed not to present outstanding financial constraints with respect to the said recycling, etc.
 - (3) The said appliances whose choice of design, components, or raw materials is deemed to have a significant influence on the implementation of recycling, etc. once the said appliances have become general waste.
 - (4) The said appliances that are deemed to lend themselves to smooth collection by persons undertaking retail sale of the said appliances as a business (excluding sales to persons who undertake sales as a business, including sales to business enterprises; the same shall apply hereinafter) once the said appliances have become general waste, by virtue of the fact that persons undertaking retail sale of the said appliances as a business deliver a corresponding number of the said appliances of which they have undertaken retail sales.
- 5 For the purposes of this legislation, "specific household appliance waste" shall mean specific household appliances that have become general waste.
- 6 For the purposes of this legislation, "manufacturing" with respect to specific household

appliances shall mean the following acts.

- (1) The act of manufacturing specific household appliances (except when carried out under entrustment (limited to that determined in the directives of competent ministries; the same shall apply for the remainder of this paragraph) from another person (excluding non-residents as defined in Article 6 of the Foreign Exchange and International Trade Management Act (Law No. 228 of 1949); the same shall apply for the remainder of this paragraph)).
- (2) The act of importing specific household appliances (except when carried out under entrustment from another person).
- (3) The act of entrusting the acts defined in the preceding two clauses to another person.

Chapter 2 Basic Policies

(Basic Policies)

Article 3

The competent ministers shall establish basic policies for the collection, transportation, and recycling of specific household appliance waste (hereinafter referred to as "basic policies"), in order to promote the collection, transportation, and recycling of specific household appliance waste in a comprehensive and systematic manner.

- 2 In basic policies, the following matters shall be determined.
 - (1) Basic directions for the collection, transportation, and recycling of specific household appliance waste.
 - (2) Matters pertaining to measures for minimizing the generation of specific household appliance waste.
 - (3) Matters pertaining to measures for promoting the collection, transportation, and recycling of specific household appliance waste.
 - (4) Matters pertaining to the diffusion of knowledge concerning the significance of the collection, transportation, and recycling of specific household appliance waste in terms of their contribution to environmental preservation.
 - (5) Other important matters pertaining to the collection, transportation, and recycling of specific household appliance waste.
- 3 When the competent ministers have established basic policies or made changes to the same, they must make this publicly known without delay.

(Responsibilities of Manufacturers)

Article 4

Persons who undertake the manufacture of specific household appliances as a

business (hereinafter referred to as manufacturers) must endeavour to minimize the volume of specific household appliance waste generated, by, for example, improving the durability of specific household appliances and enhancing systems for the implementation of repair. They must also endeavour to minimize the expenditure required for recycling specific household appliance waste, by enhancing their design of specific household appliances and their choice of components and materials.

(Responsibilities of Retail Traders)

Article 5

Persons who undertake retail sales of specific household appliances as a business (hereinafter referred to as retail traders) must provide information necessary to facilitate the long-term utilization of specific household appliances by consumers, as well as endeavouring to cooperate in securing the proper disposal of specific household appliance waste by consumers.

(Responsibilities of Businesses and Consumers)

Article 6

Businesses and consumers must endeavour to minimize the volume of specific household appliance waste generated, by utilizing specific household appliances for as long as possible. They must also, when generating specific household appliance waste, transfer specific household appliance waste appropriately to persons who collect and/or transport the same or to persons who recycle the same, and must cooperate in measures undertaken to allow these persons to achieve the objectives of this law, by agreeing to pay a fee in response to a request from the same, so that the recycling of the said specific household appliance waste may be implemented reliably.

(Responsibilities of the Government)

Article 7

The government must endeavour to make necessary arrangements for promoting the collection, organization, and utilization of information pertaining to specific household appliances, research and development pertaining to the collection, transportation, and recycling of specific household appliance waste, and the diffusion of their results.

- 2 The government must endeavour to make appropriate provision of necessary information pertaining to the recycling of specific household appliance waste, in order to promote cooperation by businesses and consumers as defined in the preceding Article.

- 3 The government must endeavour, through education and public relations activities, to promote public awareness of the collection, transportation, and recycling of specific household appliance waste, and to seek the cooperation of the public with respect to the implementation thereof.

(Responsibilities of Local Authorities)

Article 8

Prefectural and municipal authorities must endeavour to take action necessary for promoting the collection, transportation, and recycling of specific household appliance waste, in accordance with the policies of the national government.

Chapter 3 Collection and Transportation by Retail Traders

(Obligation to Collect)

Article 9

Retail traders must, in the cases described below, collect specific household appliance waste from persons who dispose of the said specific household appliance waste (hereinafter referred to as disposers) in the place where the said disposers dispose of specific household appliance waste, except when there is just cause not to do so.

- (1) When requested to collect specific household appliance waste pertaining to specific household appliances that they themselves have sold as retail goods in the past.
- (2) When requested to collect specific household appliance waste pertaining to specific household appliances of the same type as specific household appliances that they sell as retail goods.

(Obligation to Transfer)

Article 10

Retail traders must, when they have collected specific household appliance waste, except when they themselves reuse the said specific household appliance waste as specific household appliances or in other cases determined in the directives of competent ministries, transfer the said specific household appliance waste to the manufacturer who is obliged to collect the said specific household appliance waste as defined in Article 17 (or, when the said manufacturer does not exist or cannot be ascertained, to a designated body as defined in Article 32 paragraph 1).

(Charges for Fees)

Article 11

A retail trader may, when requested to collect specific household appliance waste, charge a fee from the disposer of the said specific household appliance waste, except in cases determined in the directives of competent ministries as defined in the

preceding Article, with respect to the collection and transportation undertaken in order to transfer the said specific household appliance waste to the manufacturer who is obliged to collect the said specific household appliance waste as defined in Article 17 or a designated body as defined in Article 32 paragraph 1.

Article 12

A retail trader may, when requested to collect specific household appliance waste, charge a fee from the disposer of the said specific household appliance waste (in the case of a manufacturer who is obliged to collect the said specific household appliance waste as defined in Article 17, a fee publicly announced in accordance with the provisions of Article 20 paragraph 1, or, in the case of a designated body as defined in Article 32 paragraph 1, a fee with respect to the work defined in Article 33, clause 2, publicly announced in accordance with the provisions of Article 34 paragraph 1) that is charged with respect to acts necessary for recycling the said specific household appliance waste upon collection thereof by a person who is obliged to transfer the said specific household appliance waste as defined in the said Article, except in cases determined in the directives of competent ministries as defined in Article 10.

Providing, however, that this shall not apply to cases determined in the directives of competent ministries as cases in which the manufacturer who is obliged to collect the said specific household appliance waste as defined in Article 17 or the designated body as defined in Article 32 paragraph 1 has received, in advance of the collection by the said retail trader, a fee publicly announced in accordance with the provisions of Article 20 paragraph 1, or a fee with respect to the work defined in Article 33, clause 2, publicly announced in accordance with the provisions of Article 34, paragraph 1.

(Public Announcement of Fees, etc.)

Article 13

Retail traders must publicly announce the fees defined in Article 11 in advance, in accordance with the directives of competent ministries. The same shall apply whenever the said fees are changed.

- 2 The fees publicly announced in accordance with the provisions of the preceding paragraph must be determined in consideration of the reasonable cost price in cases when the collection and transportation of the specific household appliance waste are carried out efficiently.
- 3 Retail traders must, when setting fees publicly announced in accordance with the provisions of paragraph 1, take care not to obstruct the proper disposal of specific household appliance waste by disposers.

- 4 Retail traders must, when so requested by a person who uses a specific household appliance or a person who wishes to purchase a specific household appliance, in response to the said request, show the fees publicly announced in accordance with the provisions of paragraph 1, Article 20 paragraph 1, or Article 34, paragraph 1 with respect to the said specific household appliance to the said person, as determined in the directives of competent ministries.

(Recommendations Concerning Fees, etc.)

Article 14

The competent ministers may, when they have judged that the fees publicly announced by a retail trader as defined in paragraph 1 of the preceding Article are significantly in excess of the reasonable cost price in cases when the collection and transportation of the specific household appliance waste are carried out efficiently, determine a time limit and recommend that the said retail trader change the said publicly announced fees.

- 2 The competent ministers may, when they deem it particularly necessary in cases when a retail trader who has been given the recommendation defined in the preceding paragraph has, without just cause, failed to take action with respect to the said recommendation, order the said retail trader to take action with respect to the said recommendation.

(Guidance and Advice)

Article 15

The competent ministers may give necessary guidance and advice to a retail trader with respect to implementing the said collection or transfer when they deem this to be necessary in order to ensure that the collection of specific household appliance waste as defined in Article 9 or the transfer of specific household appliance waste as defined in Article 10 is implemented.

(Recommendations and Orders)

Article 16

When a retail trader fails, without just cause, to implement the collection or transfer defined in the preceding Article, the competent ministers may recommend that the said retail trader implement the said collection or transfer.

- 2 When a retail trader who has been given the recommendation defined in the preceding paragraph fails, without just cause, to take action with respect to the said recommendation, the competent ministers may order the said retail trader to take action with respect to the said recommendation.

Chapter 4 Implementation of Recycling by Manufacturers

(Obligation to Collect)

Article 17

Manufacturers must, when requested to collect specific household appliance waste pertaining to specific household appliances which they themselves have manufactured (including, in cases when a succession or merger has taken place with respect to another manufacturer, those manufactured by the successor or the manufacturer who has succeeded to a corporation liquidated through the merger or to its manufacturing business, when the said person is the successor or a person who has succeeded to the said manufacturing business from a corporation which continues to exist after the merger, a corporation established through the merger, or another manufacturer; the same shall apply in Article 29 paragraph 1), collect the said specific household appliance waste from the person who has requested collection, in a place designated in advance by the said manufacturer as a place for the collection of specific household appliance waste (hereinafter referred to as designated place of collection), unless they have just cause not to do so.

Obligation to Recycle

Article 18

Manufacturers must, when they have collected specific household appliance waste, recycle the said specific household appliance waste without delay.

- 2 Manufacturers must, when undertaking recycling as defined in the preceding paragraph, for each type of specific household appliance waste determined in government directives, implement matters that contribute to the maintenance of the living environment and whose implementation in conjunction with the said recycling is determined in government directives as being particularly necessary and proper.

(Charges for Fees)

Article 19

Manufacturers may, when requested to collect specific household appliance waste, charge a fee from the person requesting the collection of the said specific household appliance waste, with respect to acts necessary for recycling the said specific household appliance waste. Providing, however, that this shall not apply to cases determined in the directives of competent ministries as cases in which the said manufacturer has received the said fee in advance of the collection.

(Public Announcement of Fees, etc.)

Article 20

Manufacturers must publicly announce the fees defined in the preceding Article in advance, as determined in the directives of competent ministries. The same shall apply whenever the said fees are changed.

- 2 The fees publicly announced in accordance with the provisions of the preceding paragraph must not exceed the reasonable cost price in cases when the acts necessary for recycling specific household appliance waste are carried out efficiently.
- 3 Manufacturers must, when setting fees publicly announced in accordance with the provisions of paragraph 1, take care not to obstruct the proper disposal of specific household appliance waste by disposers.
- 4 Manufacturers must, when requested to collect specific household appliance waste, not charge any amount other than the amount of the fee publicly announced in accordance with the provisions of paragraph 1 as a fee pertaining to acts necessary for recycling.

(Recommendations Concerning Fees, etc.)

Article 21

The competent ministers may, when the fees that a manufacturer has publicly announced in accordance with the provisions of paragraph 1 of the preceding Article are significantly in excess of the reasonable cost price in cases when the acts necessary for recycling specific household appliance waste are carried out efficiently, or when a manufacturer charges any amount other than the amount of the fee publicly announced in accordance with the provisions of the said paragraph upon collection of the specific household appliance waste, determine a time limit and recommend that the said manufacturer change the said publicly announced fees.

- 2 When a manufacturer who has been given the recommendation defined in the preceding paragraph fails, without just cause, to take action with respect to the said recommendation, the competent ministers may order the said manufacturer to take action with respect to the said recommendation.

(Preparation for Recycling)

Article 22

Manufacturers must recycle specific household appliance waste that they have collected, in accordance with the standards pertaining to the volume to be recycled per fiscal year for each type of specific household appliance waste, as determined in government directives.

- 2 Manufacturers must endeavour to publish information on recycling that they have carried out as defined in the preceding paragraph.

(Authorization for Recycling)

Article 23

When manufacturers plan to undertake recycling of specific household appliance waste (including cases in which they plan to undertake recycling through entrustment to other persons), they must, in accordance with the directives of competent ministries, receive the authorization of the competent ministers as having met all of the requirements in the following clauses. Providing, however, that this shall not apply to cases in which a manufacturer as defined in Article 33, clause 1 plans to undertake recycling through entrustment to a designated body as defined in Article 32 paragraph 1.

- (1) Persons who undertake acts necessary for the said recycling must meet the requirements determined in the directives of competent ministries.
 - (2) The persons defined in the preceding clause must own facilities that meet the requirements determined in the directives of competent ministries.
- 2 Those who wish to be authorized as defined in the preceding paragraph must, in accordance with the directives of competent ministries, submit to the competent ministers application forms including the following information and other documents as determined by the directives of competent ministries.
 - (1) The name or business name and address, and, in the case of a corporation, the name of the person who represents the company.
 - (2) The person who will undertake necessary acts for recycling with respect to the said authorization, and facilities which will be used for the said recycling.
 - 3 The competent ministers shall give the authorization defined in paragraph 1 when they have judged that the recycling pertaining to the application for authorization defined in the said paragraph meets all the requirements defined in the clauses of the said paragraph.

(Authorization for Change)

Article 24

When a manufacturer who has been authorized as defined in paragraph 1 of the preceding Article plans to change any of the matters defined in paragraph 2 (2) of the said Article (except for minor changes as determined in the directives of competent ministries), the manufacturer must be authorized to do so by the competent ministers.

- 2 The provisions of paragraphs 2 and 3 of the preceding Article shall also apply to changes in authorization as defined in the preceding paragraph.

(Revocation of Authorization)

Article 25

The competent ministers may revoke the authorization defined in Article 23 paragraph 1 when they have judged that the recycling pertaining to the said authorization no longer meets any of the requirements in the clauses of the said paragraph.

(Indication)

Article 26

Manufacturers must, before the time of sale of a specific household appliance, attach an indication of the person who has manufactured the said specific household appliance waste, in accordance with the directives of competent ministries.

(Guidance and Advice)

Article 27

The competent ministers may give necessary guidance and advice to manufacturers for the implementation of the collection of specific household appliance waste defined in Article 17 or acts necessary for recycling specific household appliance waste when they have judged that such guidance or advice is necessary in order to ensure the implementation of the said collection or acts necessary for recycling.

(Recommendations and Orders)

Article 28

When a manufacturer fails, without just cause, to implement the collection or acts necessary for recycling defined in the preceding Article, the competent ministers may recommend that the said manufacturer implement the said collection or acts necessary for recycling.

- 2 When a manufacturer who has been given the recommendation defined in the preceding paragraph fails, without just cause, to take action with respect to the said recommendation, the competent ministers may order the said retail trader to take action with respect to the said recommendation.

(Allocation of Designated Places of Collection, etc.)

Article 29

Manufacturers must, when establishing designated places of collection, allocate them properly to facilitate the efficient implementation of acts necessary for recycling

specific household appliances and the smooth transfer of specific household appliances by retail traders, designated bodies as defined in Article 32 paragraph 1, or municipal authorities to the said manufacturers, in view of geographical conditions, the situation of transportation, the state of sales of specific household appliances that they themselves have manufactured, and other conditions.

- 2 Manufacturers must, when designating designated places of collection, publicly announce the location of the said designated places of collection without delay, in accordance with the directives of competent ministries. The same shall apply whenever the said places are changed.

(Statements by Heads of Municipalities, etc.)

Article 30

Heads of municipalities and retail traders may, when they deem that a situation could arise in which the transfer to the said manufacturer of specific household appliance waste that is to be collected by the said manufacturer as defined in Article 17 will be significantly obstructed due to the fact that the designated place of collection has not been properly allocated by the manufacturer, make a statement to this effect to the competent ministers, in accordance with the directives of competent ministries.

(Recommendations Concerning Designated Places of Collection)

Article 31

The competent ministers may, when there has been a statement as defined in the preceding Article and when they deem it particularly necessary in order to ensure the proper disposal of specific household appliances waste by avoiding the occurrence of the situation defined in the said Article, recommendation that the manufacturer pertaining to the said statement establish a designated place of collection necessary for ensuring the smooth transfer of specific household appliance waste to the said manufacturer by the municipal authority or the retail trader that has made the said statement.

Chapter 5 Designated Bodies

(Designation, etc.)

Article 32

The competent ministers may, subject to application, designate a body which is a corporation as defined in Article 34 of the Civil Law (Law No. 89 of 1918) and is deemed capable of undertaking the work defined in the following Article (hereinafter referred to as "recycling work") in an appropriate and reliable manner as a body which undertakes recycling work (hereinafter referred to as a "designated body") for

each category determined in the directives of competent ministries.

- 2 The competent ministers must, when they have made the designation defined in the preceding paragraph, publish the name and address of the body which has received the said designation as well as the address of its office.
- 3 When a designated body plans to change its name or address or the address of its office, it must notify this fact to the competent ministers in advance.
- 4 When the competent ministers have received notification as defined in the preceding paragraph, they must publish matters pertaining to the said notification.

(Recycling Work)

Article 33

Designated bodies shall carry out the work defined below.

- (1) They shall, under entrustment from a manufacturer whose volume of specific household appliances of its own manufacture satisfies the conditions determined in the directives of competent ministries (hereinafter referred to as a specific manufacturer), carry out acts necessary for recycling specific household appliance waste that is to be recycled by the said manufacturer.
- (2) They shall undertake acts necessary for recycling specific household appliance waste which no manufacturer is obliged to collect as defined in Article 17, or whose manufacturer cannot be ascertained.
- (3) They shall, on receipt of a statement from the head of a municipality and in response to a request from the municipal authority that serves an area which the competent ministers have publicly shown to fill the conditions determined in the directives of competent ministries as an area in which obstructions have arisen in the transfer of specific household appliance waste to manufacturers, or from the residents of the said area, transfer specific household appliance waste collected by the municipal authority for the said area or specific household appliance waste generated by the said residents to a person who is to recycle it.
- (4) They shall carry out surveys relating to the disposal, collection, transportation, and recycling of specific household appliance waste, and undertake diffusion and public information with respect to ensuring the proper disposal, collection, transportation, and recycling of specific household appliance waste.
- (5) They shall process enquiries from disposers, municipal authorities, and others relating to the collection, transportation, and recycling of specific household appliance waste.

(Public Announcement of Fees, etc.)

Article 34

Designated bodies must, in accordance with the directives of competent ministries, publicly announce in advance the fees pertaining to the work described in clauses 2 and 3 of the preceding Article and other matters determined in the directives of competent ministries. The same shall apply whenever these are changed.

- 2 Designated bodies must, when requested by persons who use specific household appliances, in response thereto show the fees publicly announced in accordance with the provisions of Article 20 paragraph 1 or the preceding paragraph pertaining to specific household appliances to the said person, in accordance with the directives of competent ministries.

(Recycling Work Rules)

Article 35

When a designated body undertakes recycling work, it must, prior to commencing the work, establish recycling rules regarding the method of undertaking the recycling work, the method of calculating the amount of fees pertaining to the entrustment defined in Article 33 clause 1 (hereinafter referred to as entrustment fees), fees pertaining to the work defined in clauses 2 and 3 of the same Article, and other matters specified by the directives of competent ministries, and must submit the same for approval by the competent ministers. The same applies when a designated body wishes to change the same.

- 2 The competent ministers must give the approval defined in the preceding paragraph when they have judged that the approval application defined in the said paragraph meets all of the following requirements.
 - (1) The method of implementing recycling work, the method of calculating the amount of entrustment fees, and the fees pertaining to the work defined in clauses 2 and 3 of the same Article have been defined in a clear and proper manner.
 - (2) The responsibilities of designated bodies and persons who enter into contracts with designated bodies pertaining to the entrustment defined in Article 33, clause 1 (hereinafter referred to as recycling contracts) or contracts for the implementation of acts necessary for recycling specific household appliance waste, as well as matters pertaining to the receipt of entrustment fees, have been defined in a clear and proper manner.
 - (3) There is no unjust discrimination against any specific person.
 - (4) There is no danger of improperly harming the interests of related businesses or general consumers.
- 3 The competent ministers may order the recycling work rules authorized as defined in paragraph 1 to be changed when they deem that the said recycling work rules have

become inappropriate for the proper and reliable implementation of recycling work.

(Business Plan, etc.)

Article 36

Designated bodies must, in accordance with the directives of competent ministries, prepare a Business Plan and an Income and Expenditure Budget for every business year pertaining to the said recycling work and submit them for approval by the competent ministers. The same applies when a designated body wishes to change these documents.

- 2 Designated bodies must, in accordance with the directives of competent ministries, prepare an Annual Report and an Annual Statement after the end of every business year pertaining to the said recycling work and submit them to the competent ministers.

(Suspension or Cancellation of Recycling Work)

Article 37

Designated bodies may not suspend or cancel all or any part of the recycling work without first obtaining permission from the competent ministers.

(Conclusion and Cancellation of Contracts)

Article 38

Designated bodies must not refuse to enter into recycling contracts, except when an applicant for a recycling contract is a specific manufacturer that has previously signed another recycling contract and there is an overdue entrustment fee pertaining to the applicant, or there is some other just cause as defined in the directives of competent ministries.

- 2 A designated body must not cancel a recycling contract, except when the specific manufacturer with which it has entered into a recycling contract has recycled all of the specific household appliance waste pertaining to the said recycling contract, or when there is any other just cause as defined in the directives of competent ministries.

(Account Books)

Article 39

Designated bodies must, in accordance with the directives of competent ministries, maintain account books and record information concerning recycling work as defined in the directives of competent ministries, and must retain these documents.

(Reporting and Inspection Visits)

Article 40

The competent ministers may, as long as necessary to ensure the proper implementation of recycling work, instruct designated bodies to provide necessary reports on the said recycling work or on the asset status, or send their staff to a designated body's office to inspect the status of the said recycling work or other materials including account books and documents.

- 2 The staff assigned to make inspection visits as defined in the preceding paragraph must carry identification documents showing their positions and must show the same to relevant personnel.
- 3 The authority for inspection visits defined in paragraph 1 must not be construed as being deemed for criminal investigation.

(Supervisory Order)

Article 41

The competent ministers may, as long as necessary to enforce the provisions of this Chapter, issue necessary orders to designated bodies with a view to the supervision of recycling work.

(Cancellation of Designation, etc.)

Article 42

The competent ministers may cancel a designation made in accordance with Article 32 paragraph 1 (hereinafter in this Article referred to as the designation") when a designated body falls under any of the following.

- (1) When it is deemed incapable of undertaking recycling work in a proper and reliable manner.
 - (2) When there has been illegal conduct with respect to the designation.
 - (3) When the designated body has violated any provision of this chapter or an order or disposal based on the said provision, or has undertaken recycling work without conforming to the recycling work rules defined in Article 35 paragraph 1 and approved as defined in the said paragraph.
- 2 When a competent minister has cancelled a designation as defined in the preceding paragraph, this fact must be made publicly known.

Chapter 6 Miscellaneous

(Control Documentation Concerning Specific Household Appliance Waste)

Article 43

Retail traders must, when collecting specific household appliance waste from disposers, record matters defined in the directives of competent ministries in the control documentation pertaining to specific household appliance waste (hereinafter referred to simply as control documentation) and issue copies of the said control documentation to the said disposers in accordance with the directives of competent ministries, except when specified in the directives of competent ministries as defined in Article 10.

- 2 Retail traders who have collected specific household appliance waste from disposers as defined in the preceding paragraph must, when transferring the said specific household appliance waste to the manufacturer who is to collect the said specific household appliance waste as defined in Article 17 (or, when the said manufacturer does not exist or cannot be ascertained, to a designated body) (hereinafter in this Article referred as the recycler), issue control documentation recorded in accordance with the provisions of the said paragraph to the said recycler, in accordance with the directives of competent ministries.
- 3 Recyclers must, when collecting specific household appliance waste from retail traders as defined in the preceding paragraph, record matters defined in the directives of competent ministries in the control documentation issued in accordance with the provisions of the said paragraph, and must return the said control documentation to the said retail traders in accordance with the directives of competent ministries. In this case, the said recyclers must retain copies of the said control documentation from the date on which the said return was made, for a period of time defined in the directives of competent ministries.
- 4 Retail traders must, when they have received control documentation returned in accordance with the provisions of the preceding paragraph, retain the said control documentation from the date on which the said return was made, for a period of time defined in the directives of competent ministries.
- 5 When retail traders have received, from a disposer who has issued copies of control documentation as defined in paragraph 1, a request for perusal of control documentation pertaining to specific household appliance waste that they have collected from the said person and which have been retained in accordance with the provisions of the preceding paragraph, they must not refuse such a request unless they have just cause so to do.

Article 44

Designated bodies must, when collecting specific household appliance waste from

disposers as work defined in Article 33, clause 3 and when there is a manufacturer who is to collect the said specific household appliance waste as defined in Article 17, record matters defined in the directives of competent ministries in the control documentation and issue copies of the said control documentation to the said disposers in accordance with the directives of competent ministries.

- 2 Designated bodies that have collected specific household appliance waste from disposers as defined in the preceding paragraph must, when transferring the said specific household appliance waste to the manufacturer who is to collect the said specific household appliance waste as defined in Article 17, issue control documentation recorded in accordance with the provisions of the said paragraph to the said manufacturer, in accordance with the directives of competent ministries.
- 3 Manufacturers must, when collecting specific household appliance waste from designated bodies as defined in the preceding paragraph, record matters defined in the directives of competent ministries in the control documentation issued in accordance with the provisions of the said paragraph, and return the said control documentation to the said designated bodies in accordance with the directives of competent ministries. In this case, the said manufacturers must retain copies of the said control documentation from the date on which the said return was made, for a period of time defined in the directives of competent ministries.
- 4 Designated bodies must, when they have received control documentation returned in accordance with the provisions of the preceding paragraph, retain the said control documentation from the date on which the said return was made, for a period of time defined in the directives of competent ministries.
- 5 When designated bodies have received, from a disposer who has issued copies of control documentation as defined in paragraph 1, a request for perusal of control documentation pertaining to specific household appliance waste that they have collected from the said person and which have been retained in accordance with the provisions of the preceding paragraph, they must not refuse such a request unless they have just cause so to do.

(Entrustment of Issue of Control Documentation, etc.)

Article 45

Retail traders or the designated bodies defined in paragraph 1 of the preceding Article may, when entrusting the collection or transportation of specific household appliance waste to another person, entrust all or part of the work pertaining to control documentation as defined in Article 43 paragraphs 1 to 3 or paragraphs 1 to 3 of the

preceding Article to a person who has been entrusted with the collection or transportation of the said specific household appliance waste (hereinafter referred to as the trustee).

- 2 Trustees who have been entrusted with work pertaining to control documentation as defined in the preceding paragraph must undertake that work in accordance with the directives of competent ministries.

(Confirmation of Receipt of Control Documentation)

Article 46

Manufacturers and designated bodies must, when requested by a disposer to confirm the receipt of control documentation concerning specific household appliance waste generated by that person, confirm the receipt or non-receipt of the said control documentation, unless there is just cause not to do so.

(Recommendations Concerning Control Documentation)

Article 47

The competent ministers may, when they have judged that a retail trader, manufacturer, designated body, or trustee has not observed the provisions of Article 43, Article 44, Article 45 paragraph 2, or the preceding Article, recommend the said person or body to take necessary measures.

(Obligation to Use the Products of Recycling)

Article 48

Persons who operate businesses in which they can make use of products obtained through the recycling of specific household appliance waste shall, in accordance with the Law for Promotion of Utilization of Recyclable Resources (Law No. 48 of 1991), be obliged to make use of such products.

- 2 Persons who operate businesses involving the manufacture, processing, or sale of specific household appliances shall, in accordance with the Law for Promotion of Utilization of Recyclable Resources, be obliged to take measures to promote the recycling of specific household appliances pertaining to their business that are disposed of as specific household appliance waste.

(Exceptions to the Waste Management Law With Respect To Designated Bodies, etc.)

Article 49

Retail traders, designated bodies, or persons who undertake the collection or transportation of specific household appliance waste as their work under entrustment from a designated body may, notwithstanding the provisions of Article 7 paragraph 1

or Article 14 paragraph 1 of the Waste Management Law, undertake the collection or transportation (limited to those pertaining to collection as defined in Article 9, transfer as defined in Article 10, or the work defined in Article 33, clause 3) of specific household appliance waste as their work without obtaining the authorization defined in the said provisions.

- 2 Manufacturers who have been authorized as defined in Article 23 paragraph 1, designated bodies, or persons who undertake acts (limited to those equivalent to the transportation or disposal (including recycling; the same shall apply hereinafter) of general waste (by which is meant general waste as defined in Article 2 paragraph 2 of the Waste Management Law; the same shall apply hereinafter) or industrial waste (by which is meant industrial waste as defined in paragraph 4 of the said Article; the same shall apply hereinafter)) necessary for recycling specific household appliance waste as their work under entrustment from the above defined persons (limited, in the case of persons who have been entrusted by manufacturers subject to the said authorization, to those defined in Article 23 paragraph 2, clause 3) may, notwithstanding the provisions of Article 7 paragraph 1 or 4 or Article 14 paragraph 1 or 4 of the Waste Management Law, undertake the said acts as their work without obtaining the authorization defined in the said provisions.
- 3 Designated bodies must, when entrusting the collection or transportation of specific household appliance waste as defined in paragraph 1 or acts defined in the preceding paragraph to another person, observe the standards determined in government directives.
- 4 With respect to the application of the provisions of Article 7 paragraph 9 and Article 7 (4) or Article 14 paragraphs 8 and 9 and Article 14 (3) 2 of the Waste Management Law, persons defined in paragraph 1 shall be regarded as general waste collection and transportation operators (by which is meant general waste collection and transportation operators as defined in Article 7 paragraph 8 of the Waste Management Law; the same shall apply hereinafter) or industrial waste collection and transportation operators (by which is meant industrial waste collection and transportation operators as defined in Article 14 paragraph 8 of the Waste Management Law; the same shall apply hereinafter).
- 5 With respect to the application of the provisions of Article 7 paragraph 9 and Article 7 (4) or Article 14 paragraphs 8 and 9 and Article 14 (3) 2 of the Waste Management Law, persons defined in paragraph 2 shall be regarded as general waste collection and transportation operators or general waste disposal operators (by which is meant general waste disposal operators as defined in Article 7 paragraph 8 of the Waste

Management Law; the same shall apply hereinafter) or industrial waste collection and transportation operators or industrial waste disposal operators (by which is meant industrial waste disposal operators as defined in Article 14 paragraph 8 of the Waste Management Law; the same shall apply hereinafter).

- 6 With respect to the application of the provisions of Article 19 (3) of the Waste Management Law, persons defined in the preceding two paragraphs shall be regarded as general waste collection and transportation operators or general waste disposal operators, or industrial waste collection and transportation operators or industrial waste disposal operators.

(Exceptions to the Waste Management Law With Respect To General Waste Disposal Operators, etc.)

Article 50

- Industrial waste collection and transportation operators (limited to persons who undertake the collection or transportation of specific household appliance waste (limited to that which is industrial waste; hereinafter referred to as specific household appliance industrial waste) under entrustment to retail traders as their work) may, notwithstanding the provisions of Article 7 paragraph 1 of the Waste Management Law, undertake the work of collection or transportation of specific household appliance waste (limited to that which is general waste; hereinafter referred to as specific household appliance general waste) in accordance with the directives of the Ministry of Health & Welfare. In such a case, the said persons must collect or transport specific household appliance general waste in accordance with the general waste disposal standards defined in Article 6 (2) paragraph 2 of the Waste Management Law.
- 2 In the case of collection and transportation undertaken by persons authorized as defined in Article 7 paragraph 1 of the Waste Management Law and disposal undertaken by persons authorized as defined in paragraph 4 of the said Article, the provisions of paragraph 8 of the said Article shall not apply with respect to those pertaining to specific household appliance general waste.
 - 3 In cases when an operator transfers its specific household appliance industrial waste to a retail trader, a manufacturer authorized as defined in Article 23 paragraph 1, or a designated body, the provisions of Article 12 paragraph 3 and Article 12 (3) paragraph 1 of the Waste Management Law shall not apply with respect to the entrustment (except that to industrial waste collection and transportation operators or industrial waste disposal operators) of the collection, transportation, or disposal of the said specific household appliance industrial waste pertaining to the said transfer.

- 4 General waste collection and transportation operators (limited to persons who undertake the collection or transportation of specific household appliance general waste under entrustment to retail traders as their work) may, notwithstanding the provisions of Article 14 paragraph 1 of the Waste Management Law, undertake the work of collection or transportation of specific household appliance industrial waste in accordance with the directives of the Ministry of Health & Welfare. In such a case, the said persons must collect or transport the specific household appliance industrial waste in accordance with the industrial waste disposal standards defined in Article 12 paragraph 1 of the Waste Management Law.

(Account Books)

Article 51

Manufacturers must, in accordance with the directives of competent ministries, maintain account books, record matters defined in the directives of competent ministries concerning the recycling of specific household appliance waste, and retain these documents.

(Collection of Reports)

Article 52

The competent ministers may, in accordance with government directives and as long as necessary to ensure the enforcement of this legislation, instruct a manufacturer or retail trader to report on the status of implementation of collection, transportation, or recycling of specific household appliance waste.

(Inspection Visits)

Article 53

The competent ministers may, in accordance with government directives and as long as necessary to ensure the enforcement of this legislation, send their staff to the offices, factories, business premises, or warehouses of a retail trader or a manufacturer to inspect materials including account books and documents.

- 2 The staff assigned to make inspection visits as defined in the preceding paragraph must carry identification documents showing their positions and must show the same to relevant personnel.
- 3 The authority for inspection visits defined in paragraph 1 must not be construed as being deemed for criminal investigation.

(Transfer by Municipal Authorities)

Article 54

Municipal authorities may transfer the specific household appliance waste they have collected to a manufacturer or designated body that is to collect the said specific household appliance waste as defined in Article 17.

(Competent Ministers, etc.)

Article 55

For the purposes of this legislation, the competent ministers shall be the Minister of Health and Welfare and the Minister of International Trade and Industry. However, with respect to matters pertaining to the formulation of basic policies defined in Article 3 paragraph 1, and changes and publication of basic policies defined in paragraph 3 of the said Article, they shall be Minister of Health and Welfare, the Minister of International Trade and Industry, and the Director General of the Environmental Agency.

- 2 For the purposes of this legislation, the directives of competent ministries shall mean orders issued by the Minister of Health and Welfare and the Minister of International Trade and Industry.

(Entrustment of Authority)

Article 56

The authority of the competent ministers defined in Articles 52 and 53 may be entrusted to the heads of regional branch bureaux in accordance with government directives.

(Transitional Arrangements)

Article 57

When an order has been established, changed, or revoked on the basis of the provisions of this legislation, necessary transitional arrangements (including those concerning penalties) may be established by that order, within a range deemed reasonably necessary in conjunction with establishing, changing, or revoking the order.

Chapter 7 Penalties

Article 58

Persons who violate the orders defined in Article 14 paragraph 2, Article 16 paragraph 2, Article 21 paragraph 2, or Article 28 paragraph 2 shall be subject to a fine not exceeding 500,000 yen.

Article 59

The officers or employees of a designated body that has committed any of the following violations shall be subject to a fine not exceeding 300,000 yen.

- (1) Suspension of all recycling work without obtaining the permission defined in Article 37.
- (2) Failure to maintain account books as defined in Article 39, falsification of entries, or failure to retain account books.
- (3) Failure to make reports as defined in Article 40 paragraph 1, or falsification of reports.
- (4) Refusal, obstruction, or evasion of inspections as defined in Article 40 paragraph 1.

Article 60

Any person who has committed any of the following violations shall be subject to a fine not exceeding 200,000 yen:

- (1) Failure to maintain account books as defined in Article 51, falsification of entries, or failure to retain account books.
- (2) Failure to make reports as defined in Article 52, or falsification of reports.
- (3) Refusal, obstruction, or evasion of inspections as defined in Article 53 paragraph 1.

Article 61

When the representative of a corporation, or the agent or employee of a corporation or person has committed any of the violations defined in Article 58 or the preceding Article in connection with the work of the said corporation or person, the said corporation or person shall be subject to the penalties defined in the Article in question, in addition to the person who committed the violation.

Article 62

Any person who fails to make the indication defined in Article 26 or makes a false indication shall be subject to a correctional fine not exceeding 100,000 yen.

Supplementary Provisions

(Date of Enforcement)

Article 1

This legislation shall take effect on a date defined in government directives within a range not exceeding six months from the date of proclamation. Provided, however, that the provisions defined in Chapters 3, 4, and 5 (excluding Articles 32, 35, and 36), Articles 43 to 47, Articles 49 to 54, Chapter 7 of the Law and Article 4 of the Supplementary Provisions (limited to the provision concerning the modification to the Health and Welfare Ministry Establishment Act (Law No. 151 of 1949) adding a clause after Article 6 clause 27 (3) (limited to the part pertaining to "... give

authorization for recycling and revoke that authorization)) shall take effect from a date defined in government directives, provided that the date is within a range not exceeding 3 years from the date of proclamation.

(Transitional Arrangements Concerning Designated Bodies)

Article 2

Designated bodies may undertake acts of preparation necessary for the implementation of recycling up to the day before the date of enforcement of the provisions defined in the proviso of the preceding Article.

(Review)

Article 3

When 5 years have passed from the date of enforcement of the provisions defined in the proviso of Article 1 of the Supplementary Provisions, the government shall review the status of enforcement of this legislation, and shall take necessary action based on the result thereof.