

# ○ Act on the Promotion of Effective Utilization of Resources (Act No. 48 of 1991)

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## **Chapter 1 General Provisions**

### **Article 1 (Purpose)**

The purpose of this Act, in light of the circumstances in Japan, a country largely dependent on imports for major resources and where, along with the recent development of the national economy, the heavy use of resources generates an enormous amount of Used Products, etc. and By-products, a considerable part of which are disposed of while a considerable part of the Recyclable Resources and Reusable Parts are not utilized but also disposed of, is to ensure the effective utilization of resources and to take necessary measures to reduce the generation of Used Products, etc. and By-Products and promote the utilization of Recyclable Resources and Reusable Parts in order to contribute to waste reduction and environmental preservation, thereby contributing to the sound development of the national economy.

### **Article 2 (Definitions)**

- (1) The term "Used Products, etc." as used in this Act shall mean products that are collected or disposed of after being used or without being used (excluding radioactive substances and articles contaminated thereby).
- (2) The term "By-products" as used in this Act shall mean products generated as by-products from the manufacture, processing, repair or sale of products, supply of

energy or construction work for civil engineering or building (hereinafter referred to as "Construction Work") (excluding radioactive substances and articles contaminated thereby).

(3) The term "Reduction of Generation of By-products, etc." as used in this Act shall mean to reduce the generation of By-products arising from the use of raw materials, parts and other articles for manufacture or processing of products (excluding Fuels prescribed in Article 2, paragraph 2 of the Act on Rational Use of Energy (Act No. 49 of 1979); hereinafter referred to as "Raw Materials, etc.") by rationalizing the use of Raw Materials, etc., and to promote the utilization of the whole or part of the By-products arising from the use of Raw Materials, etc. as Recyclable Resources.

(4) The term "Recyclable Resources" as used in this Act shall mean such Used Products, etc. or By-products that are useful and are available or can be made available as raw materials.

(5) The term "Reusable Parts" as used in this Act shall mean such Used Products, etc. that are useful and are available or can be made available as parts or other components of products.

(6) The term "Recycling" as used in this Act shall mean to change the condition of the whole or part of such Used Products, etc. that are useful, so as to make them available as Recyclable Resources or Reusable Parts.

(7) The term "Designated Resources-Saving Industry" as used in this Act shall mean an industry designated by Cabinet Order for the respective types of Raw Materials, etc. specified by Cabinet Order in the respect that Reduction of Generation of By-Products, etc. is technically and financially possible and is particularly necessary for ensuring the effective utilization of resources pertaining to the Raw Materials, etc. and of Recyclable Resources pertaining to the By-products, and for the respective types of By-Products arising from the use of such Raw Materials.

(8) The term "Designated Resources-Reutilizing Industry" as used in this Act shall mean an industry designated by Cabinet Order for the respective types of Recyclable Resources or Reusable Parts specified by Cabinet Order in the respect that the utilization of Recyclable Resources or Reusable Parts is technically and financially possible and is particularly necessary for ensuring the effective utilization of the Recyclable Resources or Reusable Parts.

(9) The term "Specified Resources-Saved Product" as used in this Act shall mean a product specified by Cabinet Order in the respect that it is particularly necessary to ensure the rational use of relevant Raw Materials, etc., promote the long-term use of the product, and reduce the generation of Used Products, etc. pertaining to the product, with the aim to ensure the effective utilization of resources pertaining to Raw Materials, etc. of the product.

(10) The term "Specified Reuse-Promoted Product" as used in this Act shall mean a

product specified by Cabinet Order in the respect that it is particularly necessary to promote the utilization of the whole or part of the product as Recyclable Resources or Reusable Parts after it is collected or disposed of after being used or without being used, with the aim to ensure the effective utilization of the Recyclable Resources or Reusable Parts.

(11) The term "Specified Labeled Product" as used in this Act shall mean a product specified by Cabinet Order in the respect that it is particularly necessary to label the product for Sorted Collection (which means collecting products by sorting them by type; hereinafter the same shall apply) so as to use the whole or part of the product as Recyclable Resources after it is collected or disposed of after being used or without being used, with the aim to ensure the effective utilization of the Recyclable Resources.

(12) The term "Specified Resources-Recycled Product" as used in this Act shall mean a product (including those products that are used as parts of other products) specified by Cabinet Order in the respect that it is technically and financially possible for a person who operates a business of manufacturing, processing, repairing or selling the product (with respect to those products used as parts of other products, the respective products or such other products) after it is collected or disposed of after being used or without being used, to implement Voluntary Collection (which means collecting by oneself or entrusting collection to another party; hereinafter the same shall apply), it is also technically and financially possible to implement the Recycling of the whole or part of the product after Sorted Collection, and such Recycling is particularly necessary for ensuring the effective utilization of relevant Recyclable Resources or Reusable Parts.

(13) The term "Specified By-product" as used in this Act shall mean a By-product arising from the supply of energy or Construction Work, which is specified by Cabinet Order for the respective industries specified by Cabinet Order in the respect that it is particularly necessary to promote the utilization of the whole or part of the By-product as Recyclable Resources, with the aim to ensure the effective utilization of the Recyclable Resources.

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

### **Article 3 (Basic Policy)**

(1) For the purpose of comprehensively and systematically promoting the reduction of generation of Used Products, etc. and By-products as well as the effective utilization of resources through the use of Recyclable Resources and Reusable Parts (hereinafter referred to as "Effective Utilization of Resources" in this Chapter), the competent minister shall formulate and publicize a basic policy for the promotion of

Effective Utilization of Resources (hereinafter referred to as the "Basic Policy").

(2) The Basic Policy shall provide for targets regarding the rationalization of the use of Raw Materials, etc. for the respective types of products and of By-products, targets regarding the utilization of Recyclable Resources and Reusable Parts for the respective types thereof, matters regarding the promotion of long-term use of the respective types of products, matters pertaining to dissemination of knowledge on the meaning of the promotion of Effective Utilization of Resources that contributes to environmental preservation, and other matters concerning the promotion of Effective Utilization of Resources, by taking into consideration the technical level related to the Effective Utilization of Resources and other circumstances.

(3) The competent minister shall revise the Basic Policy when it is necessary to do so due to any changes in the circumstances referred to in the preceding paragraph.

(4) The provisions of paragraph 1 and paragraph 2 shall apply mutatis mutandis to the revision of the Basic Policy under the preceding paragraph.

#### **Article 4 (Responsibility of Business Operators, etc.)**

(1) A person who operates a business at a factory or workplace (including those pertaining to Construction Works; hereinafter the same shall apply) and a person who operates a business of selling products (these persons shall hereinafter be referred to as "Business Operators") or a client of a Construction Work shall endeavor to ensure the rational use of Raw Materials, etc. when operating the business or placing an order for the Construction Work, and to utilize Recyclable Resources and Reusable Parts.

(2) A Business Operator or a client of a Construction Work shall endeavor to promote the long-term use of the products pertaining to the respective business, and also endeavor to promote the utilization of the whole or part of the products pertaining to the respective business as Recyclable Resources or Reusable Parts after they are collected or disposed of after being used or without being used, or promote the utilization of the whole or part of the By-products arising from the business or the Construction Work as Recyclable Resources.

#### **Article 5 (Responsibility of Consumers)**

Consumers shall endeavor to use products as long as possible and to promote the utilization of Recyclable Resources and Reusable Parts, and shall also cooperate in the measures taken by the State, local governments, and Business Operators in order to achieve the purpose of this Act.

#### **Article 6 (Securing Funds, etc.)**

(1) The State shall endeavor to take measures such as securing funds necessary to promote the Effective Utilization of Resources.

(2) The States shall, in procuring products, give necessary consideration to the promotion of utilization of Recyclable Resources and Reusable Parts.

#### **Article 7 (Advancement of Science and Technology)**

With the aim to achieve advancement of science and technology that will contribute to the promotion of Effective Utilization of Resources, the State shall endeavor to take necessary measures such as promoting research and development and disseminating the results thereof.

#### **Article 8 (Measures to Increase Public Understanding, etc.)**

The State shall, through educational and publicity activities, endeavor to increase the public understanding of the promotion of Effective Utilization of Resources and to ask for public cooperation for the implementation of such activities.

#### **Article 9 (Responsibility of Local Governments)**

Local governments shall endeavor to promote Effective Utilization of Resources according to various socioeconomic conditions in their areas.

### **Chapter 3 Designated Resources-Saving Industries**

#### **Article 10 (Standards of Judgment for Designated Resources-Saving Business Operators)**

(1) For the purpose of promoting the reduction of generation of By-products through the rational use of Raw Materials, etc. pertaining to Designated Resources-Saving Industries and the utilization of Recyclable Resources pertaining to such By-products, the competent minister shall establish, in the ordinance of the competent ministry, standards of judgment for a person who operates, at a factory or workplace, a business that falls within a Designated Resources-Saving Industry (hereinafter referred to as "Designated Resources-Saving Business Operator"), with regard to necessary measures to be taken systematically for Reduction of Generation of By-products, etc. and other measures.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by taking into consideration the status of reduction of generation of By-products through the rational use of Raw Materials, etc. pertaining to the Designated Resources-Saving Industry, the technical level related to the reduction of generation of By-products through the rational use of Raw Materials, etc. and other circumstances, as well as the status of utilization of Recyclable Resources pertaining to the By-product, the technical level related to the promotion of utilization of Recyclable Resources and other circumstances. Necessary revisions shall be made to

the standards depending on the change in these circumstances.

(3) The competent minister shall, when he/she intends to establish the standards of judgment prescribed in paragraph 1 or make a revision prescribed in the preceding paragraph, consult with the Minister of the Environment from the perspective of environmental preservation for the promotion of recycling of resources.

#### **Article 11 (Guidance and Advice)**

The competent minister may, when he/she finds this necessary in order to ensure the proper implementation of Reduction of Generation of By-Products, etc. by Designated Resources-Saving Business Operators, provide Designated Resources-Saving Business Operators with necessary guidance and advice with regard to Reduction of Generation of By-Products, etc., by taking into consideration the standards of judgment prescribed in paragraph 1 of the preceding Article.

#### **Article 12 (Preparation of Plans)**

A Designated Resources-Saving Business Operator whose production quantity for a given business year of a product specified by Cabinet Order meets the requirements specified by Cabinet Order shall, pursuant to the provision of the ordinance of the competent ministry, prepare a plan on the implementation of the measures to be taken systematically for Reduction of Generation of By-products, etc. which are specified in the standards of judgment prescribed in Article 10, paragraph 1, and submit the plan to the competent minister.

#### **Article 13 (Recommendation and Order)**

(1) The competent minister may, when he/she finds the manner in which a Designated Resources-Saving Business Operator whose production quantity meets the requirements specified by Cabinet Order implements the Reduction of Generation of By-products, etc. pertaining to the Designated Resources-Saving Industry to be significantly lacking in light of the standards of judgment prescribed in Article 10, paragraph 1, recommend the Designated Resources-Saving Business Operator to take necessary measures for Reduction of Generation of By-products, etc. pertaining to the Designated Resources-Saving Industry, while presenting the grounds for his/her judgment.

(2) When the Designated Resources-Saving Business Operator that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.

(3) In the case where the Designated Resources-Saving Business Operator that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without justifiable grounds even after the competent minister has publicized, pursuant to the provision of the preceding

paragraph, that the Designated Resources-Saving Business Operator has not followed the recommendation, the competent minister may, when he/she finds that Reduction of Generation of By-products, etc. pertaining to the Designated Resources-Saving Industry to be significantly affected, order the Designated Resources-Saving Business Operator to take measures pertaining to the recommendation, after hearing opinions of Councils, etc. (which means organs prescribed in Article 8 of the National Administrative Organization Act (Act No. 120 of 1948)) specified by Cabinet Order.

#### **Article 14 (Relationship with the Minister of the Environment)**

The competent minister shall liaise closely with the Minister of the Environment in implementing measures necessary for ensuring the proper implementation of Reduction of Generation of By-Products, etc. by Designated Resources-Saving Business Operators if the implementation of these measures relates to the measures for appropriate management of waste.

### **Chapter 4 Designated Resources-Reutilizing Industries**

#### **Article 15 (Standards of Judgment for Designated Resources-Reutilizing Business Operators)**

(1) For the purpose of promoting the utilization of Recyclable Resources or Reusable Parts pertaining to Designated Resources-Reutilizing Industries, the competent minister shall establish, in the ordinance of the competent ministry, standards of judgment for a person who operates, at a factory or workplace, a business that falls within a Designated Resources-Reutilizing Industry (hereinafter referred to as "Designated Resources-Reutilizing Business Operator"), with regard to the utilization of Recyclable Resources or Reusable Parts.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by taking into consideration the status of utilization of Recyclable Resources or Reusable Parts pertaining to the Designated Resources-Reutilizing Industry, the technical level related to the utilization of Recyclable Resources or Reusable Parts and other circumstances. Necessary revisions shall be made to the standards depending on any change in these circumstances.

(3) The provision of Article 10, paragraph 3 shall apply where the competent minister intends to establish the standards of judgment prescribed in paragraph 1 or make the necessary revisions prescribed in the preceding paragraph.

#### **Article 16 (Guidance and Advice)**

The competent minister may, when he/she finds this necessary in order to ensure

the proper implementation of the utilization of Recyclable Resources or Reusable Parts by Designated Resources-Reutilizing Business Operators, provide Designated Resources-Utilizing Business Operators with necessary guidance and advice with regard to the utilization of Recyclable Resources or Reusable Parts, by taking into consideration the standards of judgment prescribed in paragraph 1 of the preceding Article.

#### **Article 17 (Recommendation and Order)**

(1) The competent minister may, when he/she finds the manner in which a Designated Resources-Reutilizing Business Operator whose production quantity or price of Construction Work meets the requirements specified by Cabinet Order utilizes Recyclable Resources or Reusable Parts pertaining to the Designated Resources-Reutilizing Industry to be significantly lacking in light of the standards of judgment prescribed in Article 15, paragraph 1, recommend the Designated Resources-Reutilizing Business Operator to take necessary measures for the utilization of Recyclable Resources or Reusable Parts pertaining to the Designated Resources-Reutilizing Industry, while presenting the grounds for his/her judgment.

(2) When the Designated Resources-Reutilizing Business Operator that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.

(3) In the case where the Designated Resources-Reutilizing Business Operator that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without justifiable grounds even after the competent minister has publicized, pursuant to the provision of the preceding paragraph, that the Designated Resources-Reutilizing Business Operator has not followed the recommendation, the competent minister may, when he/she finds that the utilization of Recyclable Resources or Reusable Parts pertaining to the Designated Resources-Reutilizing Industry to be significantly affected, order the Designated Resources-Reutilizing Business Operator to take measures pertaining to the recommendation, after hearing opinions of Councils, etc. specified by Cabinet Order.

### **Chapter 5 Specified Resources-Saved Products**

#### **Article 18 (Standards of Judgment for Specified Resources-Saving Business Operators)**

(1) For the purpose of promoting the reduction of generation of Used Products, etc. pertaining to Specified Resources-Saved Products, the competent minister shall establish, in the ordinance of the competent ministry, standards of judgment for a

person who operates a business of manufacturing, processing, repairing or selling a Specified Resources-Saved Product (hereinafter referred to as "Specified Resources-Saving Business Operator"), with regard to the reduction of generation of Used Products, etc.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by taking into consideration the status of reduction of generation of Used Products, etc. pertaining to the Specified Resources-Saved Product, the technical level related to the reduction of generation of Used Products, etc. and other circumstances. Necessary revisions shall be made to the standards depending on the change in these circumstances.

(3) The provision of Article 10, paragraph 3 shall apply where the competent minister intends to establish the standards of judgment prescribed in paragraph 1 or make the necessary revisions prescribed in the preceding paragraph.

#### **Article 19 (Guidance and Advice)**

The competent minister may, when he/she finds this necessary in order to promote the reduction of generation of Used Products, etc. pertaining to Specified Resources-Saved Products, provide Specified Resources-Saving Business Operators with necessary guidance and advice with regard to the reduction of generation of Used Products, etc., by taking into consideration the standards of judgment prescribed in paragraph 1 of the preceding Article.

#### **Article 20 (Recommendation and Order)**

(1) The competent minister may, when he/she finds the manner in which a Specified Resources-Saving Business Operator whose production quantity or sales volume of a Specified Resources-Saved Product meets the requirements specified by Cabinet Order reduces the generation of Used Products, etc. pertaining to the Specified Resources-Saved Product to be significantly lacking in light of the standards of judgment prescribed in Article 18, paragraph 1, recommend the Specified Resources-Saving Business Operator to take necessary measures for the reduction of generation of Used Products, etc. pertaining to the Specified Resources-Saved Product, while presenting the grounds for his/her judgment.

(2) When the Specified Resources-Saving Business Operator that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.

(3) In the case where the Specified Resources-Saving Business Operator that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without justifiable grounds even after the competent minister has publicized, pursuant to the provision of the preceding paragraph, that the Specified Resources-Saving Business Operator has not followed

the recommendation, the competent minister may, when he/she finds the reduction of generation of Used Products, etc. pertaining to the Specified Resources-Saved Product to be significantly affected, order the Specified Resources-Saving Business Operator to take measures pertaining to the recommendation, after hearing opinions of Councils, etc. specified by Cabinet Order.

## **Chapter 6 Specified Reuse-Promoted Products**

### **Article 21 (Standards of Judgment for Specified Reuse-Promotion Business Operator)**

(1) For the purpose of promoting the utilization of Recyclable Resources or Reusable Parts pertaining to Specified Reuse-Promoted Products, the competent minister shall establish, in the ordinance of the competent ministry, standards of judgment for a person who operates a business of manufacturing, processing, repairing or selling a Specified Reuse-Promoted Product (hereinafter referred to as "Specified Reuse-Promotion Business Operator"), with regard to the promotion of utilization of Recyclable Resources or Reusable Parts.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by taking into consideration the status of utilization of Recyclable Resources or Reusable Parts pertaining to the Specified Reuse-Promoted Product, the technical level related to the promotion of utilization of Recyclable Resources or Reusable Parts and other circumstances. Necessary revisions shall be made to the standards depending on the change in these circumstances.

(3) The provision of Article 10, paragraph 3 shall apply where the competent minister intends to establish the standards of judgment prescribed in paragraph 1 or make the necessary revisions prescribed in the preceding paragraph.

### **Article 22 (Guidance and Advice)**

The competent minister may, when he/she finds this necessary in order to promote the utilization of Recyclable Resources or Reusable Parts pertaining to Specified Reuse-Promoted Products, provide Specified Reuse-Promotion Business Operators with necessary guidance and advice with regard to the promotion of utilization of Recyclable Resources or Reusable Parts, by taking into consideration the standards of judgment prescribed in paragraph 1 of the preceding Article.

### **Article 23 (Recommendation and Order)**

(1) The competent minister may, when he/she finds the manner in which a Specified Reuse-Promotion Business Operator whose production quantity or sales volume of a Specified Reuse-Promoted Product meets the requirements specified by Cabinet Order utilizes Recyclable Resources or Reusable Parts pertaining to the Specified

Reuse-Promoted Product to be significantly lacking in light of the standards of judgment prescribed in Article 21, paragraph 1, recommend the Specified Reuse-Promotion Business Operator to take necessary measures for the promotion of utilization of Recyclable Resources or Reusable Parts pertaining to the Specified Reuse-Promoted Product, while presenting the grounds for his/her judgment.

(2) When the Specified Reuse-Promotion Business Operator that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.

(3) In the case where the Specified Reuse-Promotion Business Operator that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without justifiable grounds even after the competent minister has publicized, pursuant to the provision of the preceding paragraph, that the Specified Reuse-Promotion Business Operator has not followed the recommendation, the competent minister may, when he/she finds the promotion of utilization of Recyclable Resources or Reusable Parts pertaining to the Specified Reuse-Promoted Product to be significantly affected, order the Specified Reuse-Promotion Business Operator to take measures pertaining to the recommendation, after hearing opinions of Councils, etc. specified by Cabinet Order.

## **Chapter 7 Specified Labeled Products**

### **Article 24 (Standards of Judgment for Specified Labeling Business Operators)**

(1) For the purpose of promoting the utilization of Recyclable Resources pertaining to Specified Labeled Products, the competent minister shall establish, in the ordinance of the competent ministry, standards for labeling regarding the following matters for the respective Specified Labeled Products.

(i) Materials, ingredients or other matters to be indicated for Sorted Collection.

(ii) The labeling method and other matters to be observed, when indicating the matters listed in the preceding item, by a person who operates a business of manufacturing, processing or selling a Specified Labeled Product (including business operators who order the manufacture of Specified Labeled Products to be used for their businesses; hereinafter referred to as "Specified Labeling Business Operator").

(2) The provision of Article 10, paragraph 3 shall apply where the competent minister intends to establish the standards for labeling prescribed in the preceding paragraph or make the necessary revisions prescribed in the preceding paragraph.

### **Article 25 (Recommendation and Order)**

(1) The competent minister may, when he/she finds that any Specified Labeling Business Operator (excluding small-sized enterprise operators prescribed in Article

2, paragraph 5 of the Small and Medium Enterprise Basic Act (Act No. 154 of 1963) and those specified by Cabinet Order, whose amount of income as specified by Cabinet Order meets the requirements specified by Cabinet Order) does not indicate the matters listed in item 1 of paragraph 1 of the preceding Article to be specified by the ordinance of the competent ministry under the said paragraph (hereinafter referred to as "Matters To Be Indicated") or observe the matters listed in item 2 of the said paragraph to be specified by the ordinance of the competent ministry under the said paragraph (hereinafter referred to as the "Matters To Be Observed"), recommend the Specified Labeling Business Operator to indicate the Matters To Be Indicated or observe the Matters To Be Observed.

(2) When the Specified Labeling Business Operator that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.

(3) In the case where the Specified Labeling Business Operator that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without justifiable grounds even after the competent minister has publicized, pursuant to the provision of the preceding paragraph, that the Specified Labeling Business Operator has not followed the recommendation, the competent minister may, when he/she finds the promotion of utilization of Recyclable Resources pertaining to the Specified Labeled Product to be significantly affected, order the Specified Labeling Business Operator to take measures pertaining to the recommendation, after hearing opinions of Councils, etc. specified by Cabinet Order.

## **Chapter 8 Specified Resources-Recycled Products**

### **Article 26 (Standards of Judgment for Specified Resources-Recycling Business Operators)**

(1) For the purpose of promoting the utilization of Recyclable Resources or Reusable Parts pertaining to Specified Resources-Recycled Products, the competent minister shall establish, in the ordinance of the competent ministry, standards of judgment for a person who operates a business of manufacturing, processing, repairing or selling a Specified Resources-Recycled Product (including those who operate a business of manufacturing, processing, repairing or selling products that use Specified Resources-Recycled Products as parts and are specified by Cabinet Order; hereinafter referred to as "Specified Resources-Recycling Business Operator"), with regard to the following matters.

(i) Matters concerning how to ensure the effective implementation of Voluntary Collection of Used Specified Resources-Recycled Products (which means Specified Resources-Recycled Products that are collected or disposed of after being used or

without being used; hereinafter the same shall apply) and the implementation method.

(ii) Matters concerning the targets for Recycling of Used Specified Resources-Recycled Products and the implementation method.

(iii) Matters concerning the take-back of Used Specified Resources-Recycled Products where such take-back is required by municipal governments, the take-back method, and coordination with municipal governments.

(iv) Other matters necessary for Voluntary Collection and Recycling.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by taking into consideration the status of Voluntary Collection and Recycling pertaining to the Used Specified Resources-Recycled Product, the technical level related to Recycling, the status of collection and disposal implemented by municipal governments and other circumstances. Necessary revisions shall be made to the standards depending on the change in these circumstances.

#### **Article 27 (Recognition of Voluntary Collection and Recycling of Used Specified Resources-Recycled Products)**

(1) When a Specified Resources-Recycling Business Operator intends to implement Voluntary Collection and Recycling of a Used Specified Resources-Recycled Product independently or jointly with another Specified Resources-Recycling Business Operator, it may obtain from the competent minister recognition to the effect that it conforms to all of the following items, pursuant to the provision of the ordinance of the competent ministry.

(i) The Voluntary Collection and Recycling conform to the standards of judgment prescribed in paragraph 1 of the preceding Article.

(ii) The person who conducts necessary acts for the Voluntary Collection and Recycling conforms to the standards specified by the ordinance of the competent ministry.

(iii) The person prescribed in the preceding item owns has a facility that conforms to the standards specified by the ordinance of the competent ministry.

(iv) With respect to the Voluntary Collection and Recycling pertaining to the application filed by two or more Specified Resources-Recycling Business Operators engaged in businesses that fall within the same industry, the following requirements are satisfied.

(a) The Voluntary Collection and Recycling ensure fair competition between the two or more Specified Resources-Recycling Business Operators and other business operators in the same industry.

(b) The Voluntary Collection and Recycling are not significantly harmful to the interests of general consumers and related business operators.

(2) A person who intends to obtain the recognition set forth in the preceding

paragraph shall, pursuant to the provision of the ordinance of the competent ministry, submit to the competent minister a written application in which the following matters are described and other documents specified by the ordinance of the competent ministry.

(i) The name and address of the applicant, and for a juridical person, the name of its representative.

(ii) The type of the Used Specified Resources-Recycled Product subject to Voluntary Collection and Recycling.

(iii) The targets for Voluntary Collection and Recycling.

(iv) The person who conducts necessary acts for Voluntary Collection and Recycling, and the facility to be used for such necessary acts for Voluntary Collection and Recycling.

(v) The methods for Voluntary Collection and Recycling, and other matters concerning the content thereof.

(3) The competent minister shall, when he/she finds that the Voluntary Collection and Recycling pertaining to an application for recognition set forth in paragraph 1 conform to the items of the said paragraph, give the recognition set forth in the said paragraph.

#### **Article 28 (Recognition of Change)**

(1) When a Specified Resources-Recycling Business Operator that has obtained the recognition set forth in paragraph 1 of the preceding Article (hereinafter referred to as "Recognized Specified Resources-Recycling Business Operator") intends to change matters listed in items 2 to 5 of paragraph 2 of the said Article (excluding minor changes specified by the ordinance of the competent ministry), it shall obtain recognition from the competent minister.

(2) The provisions of paragraph 2 and paragraph 3 of the preceding Article shall apply mutatis mutandis to the recognition of change set forth in the preceding paragraph.

#### **Article 29 (Rescission of Recognition)**

The competent minister may, when he/she finds that the Voluntary Collection and Recycling pertaining to the recognition set forth in Article 27, paragraph 1 have become impossible to conform to any of the items of the said paragraph, rescind the recognition.

#### **Article 30 (Relationship with the Fair Trade Commission)**

(1) Where the competent minister intends to grant recognition under Article 27, paragraph 1 (including the recognition of change under Article 28, paragraph 1; hereinafter the same shall apply in the next paragraph and the next Article) with

respect to the Voluntary Collection and Recycling pertaining to the application filed by two or more Specified Resources-Recycling Business Operators engaged in businesses that fall within the same industry, the minister may, when he/she finds this necessary, request opinions from the Fair Trade Commission about the measures to be taken for the Voluntary Collection and Recycling pertaining to the application.

(2) The Fair Trade Commission may, when it finds this necessary, state its opinions to the competent minister as requested under the preceding paragraph about the measures to be taken for the Voluntary Collection and Recycling, for which the competent minister has granted recognition under Article 27, paragraph 1.

### **Article 31 (Consideration under the Waste Management and Public Cleaning Act)**

The Minister of the Environment shall, when applying the provisions of the Waste Management and Public Cleaning Act (Act No. 137 of 1970), give due consideration so as to ensure the smooth implementation of the Voluntary Collection and Recycling pertaining to the recognition granted under Article 27, paragraph 1.

### **Article 32 (Guidance and Advice)**

The competent minister may, when he/she finds this necessary in order to promote Voluntary Collection and Recycling of Used Specified Resources-Recycled Products, provide Specified Resources-Recycling Business Operators with necessary guidance and advice with regard to Voluntary Collection and Recycling of Used Specified Resources-Recycled Products, by taking into consideration the standards of judgment prescribed in Article 26, paragraph 1.

### **Article 33 (Recommendation and Order)**

(1) The competent minister may, when he/she finds the manner in which a Specified Resources-Recycling Business Operator whose production quantity or sales volume of a Specified Resources-Recycled Product or a product specified by Cabinet Order under Article 26, paragraph 1 that uses a Specified Resources-Recycled Product as its part meets the requirements specified by Cabinet Order implements the Voluntary Collection and Recycling of the Specified Resources-Recycled Product to be significantly lacking in light of the standards of judgment prescribed in the said paragraph, recommend the Specified Resources-Recycling Business Operator to take necessary measures for the Voluntary Collection and Recycling of the Specified Resources-Recycled Product, while presenting the grounds for his/her judgment.

(2) When the Specified Resources-Recycling Business Operator that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.

(3) In the case where the Specified Resources-Recycling Business Operator that has

received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without justifiable grounds even after the competent minister has publicized, pursuant to the provision of the preceding paragraph, that the Specified Resources-Recycling Business Operator has not followed the recommendation, the competent minister may, when he/she finds the Voluntary Collection and Recycling of the Used Specified Resources-Recycled Product to be significantly affected, order the Specified Resources-Recycling Business Operator to take measures pertaining to the recommendation, after hearing opinions of Councils, etc. specified by Cabinet Order.

## **Chapter 9 Specified By-products**

### **Article 34 (Standards Judgment for Specified By-product Business Operators)**

(1) For the purpose of promoting the utilization of Recyclable Resources pertaining to Specified By-products, the competent minister shall establish, in the ordinance of the competent ministry, standards of judgment for a person who operates, at a workplace, a business that falls within an industry pertaining to a Specified By-product (hereinafter referred to as Specified By-product Business Operator"), with regard to the promotion of utilization of Recyclable Resources.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by taking into consideration the status of utilization of Recyclable Resources pertaining to the Specified By-product, the technical level related to the promotion of utilization of Recyclable Resources and other circumstances. Necessary revisions shall be made to the standards depending on the change in these circumstances.

(3) The provision of Article 10, paragraph 3 shall apply where the competent minister intends to establish the standards of judgment prescribed in paragraph 1 or make the necessary revisions prescribed in the preceding paragraph.

### **Article 35 (Guidance and Advice)**

The competent minister may, when he/she finds this necessary in order to promote the utilization of Recyclable Resources pertaining to Specified By-products, provide Specified By-product Business Operators with necessary guidance and advice with regard to the promotion of utilization of Recyclable Resources, by taking into consideration the standards of judgment prescribed in paragraph 1 of the preceding Article.

### **Article 36 (Recommendation and Order)**

(1) The competent minister may, when he/she finds the manner in which a Specified

By-product Business Operator whose amount of energy supply or price of Construction Work meets the requirements specified by Cabinet Order promotes the utilization of Recyclable Resources pertaining to the Specified By-product to be significantly lacking in light of the standards of judgment prescribed in Article 34, paragraph 1, recommend the Specified By-product Business Operator to take necessary measures for the promotion of utilization of Recyclable Resources pertaining to the Specified By-product, while presenting the grounds for his/her judgment.

(2) When the Specified By-product Business Operator that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.

(3) In the case where the Specified By-product Business Operator that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without justifiable grounds even after the competent minister has publicized, pursuant to the provision of the preceding paragraph, that the Specified By-product Business Operator has not followed the recommendation, the competent minister may, when he/she finds the promotion of utilization of Recyclable Resources pertaining to the Specified By-product to be significantly affected, order the Specified By-product Business Operator to take measures pertaining to the recommendation, after hearing opinions of Councils, etc. specified by Cabinet Order.

## **Chapter 10 Miscellaneous Provisions**

### **Article 37 (Report and On-site Inspection)**

(1) To the extent necessary for the enforcement of Article 13 and Article 17, the competent minister may, pursuant to the provision of Cabinet Order, have a Designated Resources-Saving Business Operator or Designated Resources-Reutilizing Business Operator report the status of their business, or have an official of the competent ministry enter the office, factory, workplace or warehouse of a Designated Resources-Saving Business Operator or Designated Resources-Reutilizing Business Operator to inspect facilities, books, documents and other objects.

(2) To the extent necessary for the enforcement of Article 20, Article 23, and Article 25, the competent minister may, pursuant to the provision of Cabinet Order, have a Specified Resources-Saving Business Operator, Specified Reuse-Promotion Business Operator, or Specified Labeling Business Operator report the status of their business pertaining to the Specified Resources-Saved Product, Specified Reuse-Promoted Product, or Specified Labeled Product, or have an official of the competent ministry enter the office, factory, workplace or warehouse of a Specified Resources-Saving Business Operator, Specified Reuse-Promotion Business Operator, or Specified

Labeling Business Operator to inspect the Specified Resources-Saved Product, Specified Reuse-Promoted Product, or Specified Labeled Product, books, documents, and other objects.

(3) To the extent necessary for the enforcement of Article 28 and Article 29, the competent minister may have a Recognized Specified Resources-Recycling Business Operator report the status of their implementation of the Voluntary Collection or Recycling of the Used Specified Resources-Recycled Product pertaining to the recognition, or have an official of the competent ministry enter the office, factory, workplace or warehouse of a Recognized Specified Resources-Recycling Business Operator to inspect books, documents and other objects.

(4) To the extent necessary for the enforcement of Article 33, the competent minister may, pursuant to the provision of Cabinet Order, have a Specified Resources-Recycling Business Operator report the status of its implementation of Voluntary Collection or Recycling of the Used Specified Resources-Recycled Product, or have an official of the competent minister enter the office, factory, workplace or warehouse of a Specified Resources-Recycling Business Operator to inspect books, documents and other objects.

(5) To the extent necessary for the enforcement of the preceding Article, the competent minister may, pursuant to the provision of Cabinet Order, have a Specified By-product Business Operator report the status of its business pertaining to the Specified By-product, or have an official of the competent ministry enter the office, workplace or warehouse of a Specified By-product Business Operator to inspect the Specified By-product, books, documents and other objects.

(6) The official who conducts on-site inspection pursuant to the preceding paragraphs shall carry a certification for identification and present it to the person concerned.

(7) The authority for on-site inspection pursuant to paragraphs 1 to 5 shall not be construed as being granted for criminal investigation.

### **Article 38 (Hearing of Opinions through Appeal Procedure)**

(1) An award or decision on a request for examination or objection with respect to an order issued under Article 13, paragraph 3, Article 17, paragraph 3, Article 20, paragraph 3, Article 23, paragraph 3, Article 25, paragraph 3, Article 33, paragraph 3, or Article 36, paragraph 3 (excluding award or decision of dismissal without prejudice) shall be made after giving advance notice of a considerable period of time to the requester or objector and holding an opinion hearing open to the public.

(2) The advance notice set forth in the preceding paragraph shall specify the date and place of the hearing and the content of the case concerned.

(3) When holding an opinion hearing set forth in paragraph 1, the requester or objector and the interested persons shall be given the opportunity to present evidence and state their opinions

**Article 39 (Competent Minister, etc.)**

(1) The competent minister in this Act shall be as follows.

(i) With respect to the formulation of the Basic Policy under Article 3, paragraph 1 and the revision of the Basic Policy under paragraph 3 of the said Article: the 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, and Minister of the Environment.

(ii) With respect to the establishment of the standards of judgment under Article 10, paragraph 1, the revision of the standards under paragraph 2 of the said Article, the guidance and advice prescribed in Article 11, the plan prescribed in Article 12, the recommendation prescribed in Article 13, paragraph 1, the publication under Article 13, paragraph 2, the order under Article 13, paragraph 3, and the collection of reports and on-site inspection under Article 37, paragraph 1: the ministers who have jurisdiction over businesses that fall within the respective Designated Resources-Saving Industries.

(iii) With respect to the establishment of the standards of judgment under Article 15, paragraph 1, the revision of the standards under paragraph 2 of the said Article, the guidance and advice prescribed in Article 16, the recommendation prescribed in Article 17, paragraph 1, the publication under Article 17, paragraph 2, the order under Article 17, paragraph 3, and the collection of reports and on-site inspection under Article 37, paragraph 1: the ministers who have jurisdiction over businesses that fall within the respective Designated Resources-Reutilizing Industries.

(iv) With respect to the establishment of the standards of judgment under Article 18, paragraph 1, the revision of the standards under paragraph 2 of the said Article, the guidance and advice prescribed in Article 19, the recommendation prescribed in Article 20, paragraph 1, the publication under Article 20, paragraph 2, the order under Article 20, paragraph 3, the establishment of the standards of judgment under Article 21 paragraph 1, the revision of the standards under Article 21, paragraph 2, the guidance and advice prescribed in Article 22, the recommendation prescribed in Article 23, paragraph 1, the publication under Article 23, paragraph 2, the order under Article 23, paragraph 3, the establishment of the standards for labeling under Article 24, paragraph 1, the recommendation prescribed in Article 25, paragraph 1, the publication under Article 25, paragraph 2, the order under Article 25, paragraph 3, and the collection of reports and on-site inspection under Article 37, paragraph 2: the ministers who have jurisdiction, pursuant to the provision of Cabinet Order, over businesses of manufacturing, processing, repairing or selling the respective Specified Resources-Saved Products, businesses of manufacturing, processing, repairing or selling the respective Specified Reuse-Promoted Products, or businesses of manufacturing, processing or selling the respective Specified Labeled Products (in

the case of business operators who order the manufacture of Specified Labeled Products to be used for their businesses, such businesses).

(v) With respect to the establishment of the standards of judgment under Article 26, paragraph 1, the revision of the standards under paragraph 2 of the said Article, the recognition under Article 27, paragraph 1, the recognition of change under Article 28, paragraph 1, the rescission of recognition under Article 29, the opinions under Article 30, the guidance and advice under Article 32, the recommendation prescribed in Article 33, paragraph 1, the publication under Article 33, paragraph 2, the order under Article 33, paragraph 3, and the collection of reports and on-site inspection under Article 37, paragraph 3 and paragraph 4: the ministers who have jurisdiction, pursuant to the provision of Cabinet Order, over businesses of manufacturing, processing, repairing or selling the respective Specified Resources-Recycled Products or businesses of manufacturing, processing, repairing or selling the products specified by Cabinet Order under Article 26, paragraph 1 that use the respective Specified Resources-Recycled Products as parts, or the Minister of the Environment.

(vi) With respect to the establishment of the standards of judgment under Article 34, paragraph 1, the revision of the standards under paragraph 2 of the said Article, the guidance and advice under Article 35, the recommendation prescribed in Article 36, paragraph 1, the publication under Article 36, paragraph 2, the order under Article 36, paragraph 3, and the collection of reports and on-site inspection under Article 37, paragraph 5: the ministers who have jurisdiction, pursuant to the provision of Cabinet Order, over businesses that fall within industries pertaining to the respective Specified By-products.

(2) In this Act, the ordinance of the competent ministry shall, with respect to the matters set forth in item 2 or item 3 of the preceding paragraph, refer to an order issued by the competent minister under item 2 or item 3 of the said paragraph, or shall, with respect to the matters set forth in items 4 to 6 of the said paragraph, refer to, pursuant to the provision of Cabinet Order, an order issued by the competent minister under items 4 to 6 of the said paragraph.

(3) The authority under this Act may be delegated to the head of a local branch office pursuant to the provision of Cabinet Order.

#### **Article 40**

The competent minister may, when he/she finds this necessary in order to achieve the purpose of this Act, request necessary cooperation from the Minister of the Environment for the promotion of utilization of Recyclable Resources or Reusable Parts in respect of waste management.

#### **Article 41 (Transitional Measures)**

In the case of establishment, revision or abolition of an order pursuant to this Act,

necessary transitional measures (including transitional measures concerning penal provisions) may be set in that order to the extent considered reasonably necessary along with the establishment, revision or abolition.

## **Chapter 11 Penal Provisions**

### **Article 42**

A person who has violated an order issued under Article 13, paragraph 3, Article 17, paragraph 3, Article 20, paragraph 3, Article 23, paragraph 3, Article 25, paragraph 3, Article 33, paragraph 3 or Article 36, paragraph 3 shall be punished by a fine of not more than 500,000 yen.

### **Article 43**

A person who falls under any of the following items shall be punished by a fine of not more than 200,000 yen,

- (i) A person who has not made submission under Article 12.
- (ii) A person who has not made reports under paragraphs 1 to 5 of Article 37 or made a false report, or refused, interfered with or avoided inspections under these paragraphs.

### **Article 44**

When the representative of a juridical person, or the agent, employee or other worker of a juridical person or an individual has committed a violation set forth in the preceding two Articles with regard to the business of the said juridical person or individual, not only shall the offender be punished but the said juridical person or individual shall also be punished by the fine prescribed in the respective Articles

## **Supplementary Provisions (Extract)**

### **Article 1 (Effective Date)**

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

(Put into force by Cabinet Order No. 326 of 1991 as of October 25, 1991)

### **Article 2 (Loan without Interest Provided by the State, etc.)**

(1) The State may, for the time being, provide local governments with loans without interest, within its budgetary limit, as funds to be allocated for covering the expenses to be incurred by the local governments in independently implementing projects to establish facilities for the promotion of effective utilization of resources

through the use of Recyclable Resources or Reusable Parts, which fall under Article 2, paragraph 1, item 2 of the Act on Special Measures Concerning Promotion of Development of Social Infrastructure through Utilization of Income from Sales of Stock of the Nippon Telegraph and Telephone Corporation (Act No. 86 of 1987), or as funds to be allocated for covering the expenses for subsidies to be given by the local governments to the private business operators that carry out such projects.

(2) The period of redemption of the loans provided by the State under the preceding paragraph shall be a period specified by Cabinet Order not exceeding five years (including a period of deferment not exceeding two years).

(3) In addition to what is provided for in the preceding paragraph, the method of loan redemption under paragraph 1, advanced redemption, and other necessary matters concerning redemption shall be specified by Cabinet Order.

(4) The State shall, when having provided a local government with a loan pursuant to paragraph 1, provide the same amount of subsidies as the loan with respect to the project for which the loan has been provided, by providing the same amount of money as the amount redeemed upon the redemption of the loan.

(5) With regard to the application of the provision of the preceding paragraph in the case where a local government has made a redemption of the loan without interest provided under paragraph 1 ahead of the redemption schedule determined under paragraph 2 and paragraph 3 (excluding the cases specified by Cabinet Order), the redemption shall be deemed to have been made on the due date of redemption.

### **Supplementary Provisions (Extract) (Act No. 89 of November 12, 1993)**

#### **Article 1 (Effective Date)**

This Act shall come into force as of the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993).

(Date of enforcement: October 1, 1994)

#### **Article 2 (Transitional Measures Concerning Adverse Dispositions Following Appeal, etc.)**

Where, prior to the enforcement of this Act, an appeal or other request has been filed or made under laws and regulations to a council or any other panel to require that procedures equivalent to the procedures to hold hearings or grant the opportunity for explanation and other procedures to hear statements of opinions prescribed in Article 13 of the Administrative Procedure Act should be implemented, with regard to the procedures to make adverse dispositions pertaining to the appeal or request, the provisions then in force shall remain applicable notwithstanding the provisions of relevant Acts revised by this Act.

**Article 13 (Transitional Measures Concerning Penal Provisions)**

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Article 14 (Transitional Measures upon Arrangement of Provisions on Hearings)**

Procedures for hearings (excluding those concerning adverse dispositions) implemented under Acts prior to the enforcement of this Act or procedures incidental thereto shall be deemed to have been implemented under relevant provisions of respective Acts revised by this Act.

**Article 15 (Delegation to Cabinet Orders)**

In addition to what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, necessary transitional measures for the enforcement of this Act shall be specified by Cabinet Order.

**Supplementary Provisions (Extract) (Act No. 160 of December 22, 1999)**

**Article 1 (Effective Date)**

This Act (excluding Article 2 and Article 3) shall come into force as of January 6, 2001; provided, however, that the provisions listed in the following items shall come into force as of the dates prescribed in the respective items.

(i) Provisions of Article 995 (limited to the part revising the Supplementary Provisions of the Act for Partial Revision of the Act on Control of Nuclear Source Materials, Nuclear Fuel Materials and Reactors), Article 1305, Article 1306, Article 1324, paragraph 2, Article 1326, paragraph 2, and Article 1344: Date of promulgation.

**Supplementary Provisions (Extract) (Act No. 113 of June 7, 2000)**

**Article 1 (Effective Date)**

This Act shall come into force as of April 1, 2001.

**Article 2 (Effect of Dispositions, etc.)**

Any dispositions, procedures or other acts conducted pursuant to the provisions of the Act on the Promotion of Utilization of Recyclable Resources prior to the revision by this Act shall be deemed to have been conducted under the relevant provisions of the Act on the Promotion of Effective Utilization of Resources revised by this Act.

**Article 3 (Transitional Measures Concerning Penal Provisions)**

With regard to the application of penal provisions to acts committed prior to the

enforcement of this Act, the provisions then in force shall remain applicable.

**Article 4 (Review)**

Within a period of seven years after the enforcement of this Act, the government shall review the state of enforcement of the Act on the Promotion of Effective Utilization of Resources revised by this Act, and shall take necessary measures based on the review results.

**Supplementary Provisions (Extract) (Act No. 1 of February 8, 2002)**

**Article 1 (Effective Date)**

This Act shall come into force as of the date of promulgation.