

Outline of the Chemical Weapons Act

Act on Prohibition of Chemical Weapons and Control, etc. of Specific Chemicals (Act No. 65 of April 5, 1995)

1. Purpose

The purpose of this Act, which aims to ensure appropriate implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (“Chemical Weapons Convention”) and the International Convention for the Suppression of Terrorist Bombings (“Convention against Terrorist Bombings”), is to prohibit the manufacture, possession, provision, and acceptance of chemical weapons, control the manufacture and use of specific chemicals, as well as implement other necessary measures.

2. Chemicals under Control [Article 2, Article 29]

Toxic chemicals: chemicals having such properties as those that can cause death to humans who have inhaled or been in contact with them or cause temporary or lasting harm to the bodily functions of such humans, as listed in column 3 of the Appended Table of the Order for Enforcement

Chemical weapons: bombshells, rocket bombs, and other weapons (specified in Article 2 of the Order for Enforcement), which are loaded with toxic chemicals or chemicals having similar toxic properties (including those loaded with other chemicals that can cause chemical changes internally and produce toxic chemicals or chemicals having similar toxic properties)

Specific chemicals [Schedule 1 chemicals]: chemicals in column 3 of row 1 of the Appended Table of the Order for Enforcement (toxic chemicals, Schedule 1A) or those in column 4 of the same row (precursors, Schedule 1B)

Designated chemicals [Schedule 2 or Schedule 3 chemicals]: chemicals in column 3 of row 2 or row 3 of the Appended Table of the Order for Enforcement (toxic chemicals, Schedule 2A or Schedule 3A) and those in column 4 of the same table (precursors, Schedule 2B or Schedule 3B)

First-class designated chemicals [Schedule 2 chemicals]: chemicals in column 3 of row 2 of the Appended Table of the Order for Enforcement (toxic chemicals, Schedule 2A) or those in column 4 of the same row (precursors: Schedule 2B)

Second-class designated chemicals [Schedule 3 chemicals]: chemicals in column 3 of row 3 of the Appended Table of the Order for Enforcement (toxic chemicals, Schedule 3A) or those in column 4 of the same row (precursors: Schedule 3B)

Organic chemicals [discrete organic chemicals other than those on Schedules of Chemicals]: organic chemicals other than specific chemicals and designated chemicals, which are specified in Article 4(1) of the Order for Enforcement

Specific organic chemicals [PSF chemicals]: organic chemicals containing phosphorus, sulfur or fluorine

3. Prohibition of Manufacture, etc. of Chemical Weapons

The following acts are prohibited.

- (1) To manufacture, possess, provide or accept chemical weapons [Article 3(1) and (2)]
- (2) To manufacture, possess, provide or accept toxic chemicals or chemicals having similar toxic properties or materials from which these chemicals are made, for the purpose of use in the manufacture of chemical weapons [Article 3(3)]
- (3) To manufacture, possess, provide or accept parts used exclusively for chemical weapons or machine tools used exclusively for using chemical weapons [Article 3(4)]

4. License and Notification

(1) Manufacture, use, import, etc. of specific chemicals

(i) A person who intends to manufacture or use a specific chemical shall obtain a license from the Minister of Economy, Trade and Industry. [Article 4, Article 10]

A person who intends to import a specific chemical shall obtain approval for import in accordance with the Foreign Exchange and Foreign Trade Control Act. [Article 13]

(ii) Except where a licensed user accepts a specific chemical pertaining to a user license, no person shall provide or accept a specific chemical. [Article 15]

(iii) Except as permitted under laws and regulations, no person shall possess a specific chemical [Article 16]

(iv) A person who intends to transport a specific chemical shall notify the prefectural public safety commission to this effect and obtain a transportation certificate. [Article 17]

(v) A person who possesses a specific chemical shall destroy it where it is no longer needed. [Article 18]

(vi) A licensed manufacturer and licensed user shall notify the Minister of Economy, Trade and Industry of the actual quantity of the specific chemical manufactured or used and other necessary matters. [Article 21]

(vii) A licensed manufacturer shall prepare a journal and record the quantity manufactured, quantity of stock, and any other necessary matters in the journal. [Article 22]

(viii) In the event that a specific chemical has been stolen or gone missing, such incident shall be reported to a police officer or marine safety official. [Article 23]

(2) Manufacture, etc. and use of first-class designated chemicals

A person who intends to manufacture, etc. or use first-class designated chemicals beyond the following quantity shall notify the Minister of Economy, Trade and Industry of the estimated quantity for the next calendar year and the actual quantity in the preceding calendar year. [Articles 24, 25 and 26]

BZ: 1kg

Toxic chemicals other than BZ: 100kg

Precursors: 1t

(3) Manufacture of second-class designated chemicals

A person who intends to manufacture second-class designated chemicals above 30 tons shall notify the Minister of Economy, Trade and Industry of the estimated quantity for the next calendar year and the actual quantity in the preceding calendar year. [Article 27]

(4) Export/import of designated chemicals

A person who has exported or imported designated chemicals shall notify the Minister of Economy, Trade and Industry of the actual quantity in the preceding calendar year. [Article 28]

(5) Manufacture of organic chemicals and specific organic chemicals

A person who has manufactured organic chemicals or specific organic chemicals above the following quantity shall notify the Minister of Economy, Trade and Industry of the actual quantity in the preceding year. [Article 29]

Organic chemical: 200t in total

Specific organic chemical: 30t per chemical

5. International Inspection

Places of business and other places where controlled chemicals are handled shall be subject to inspections conducted by an international organization in the presence of METI staff (or METI and MOFA staff in the case of a challenge inspection). [Article 30]

- The aim of an international inspection is to verify the consistency between the activities declared (notified) and the activities actually undertaken.

- An international inspection shall target places of businesses declared to the international organization where the activities undertaken there involve the following chemicals above the predetermined quantity. An inspection is also conducted at the request of any State Party (challenge inspection).

Specific chemical: 100 per annum at facilities for civil activities

First-class designated chemical:

BZ: 10kg

Toxic chemicals other than BZ: 1t

Precursors: 10t

Second-class designate chemical: 200t

Organic chemical: 200t in total

Specific organic chemical: 200t per chemical

6. On-site Inspection

The Minister of Economy, Trade and Industry may, within the limits necessary for the enforcement of the Act, cause his/her staff to conduct an on-site inspection targeting the licensed manufacturer, approved importer, licensed user or person obligated to destroy regarding a specific chemical.

The prefectural public safety commission may, within the limits necessary for the enforcement of the provisions of Article 17(2) (prevention of theft or loss of specific chemicals in the course of transportation), cause a police officer to conduct an on-site inspection targeting the licensed manufacturer, approved importer, licensed user or person obligated to destroy regarding a specific chemical. [Article 33]

7. Penal Provisions

The following persons shall be punished.

- A person who has used a chemical weapon, thereby discharging toxic chemicals or chemicals having similar toxic properties [Article 38(1); attempt, Article 38(3); preparation, Article 40]
- A person who has indiscriminately discharged toxic chemicals or chemicals having similar toxic properties, thereby threatening human life, causing bodily harm or damaging property [Article 38(2); attempt, Article 38(3)]
- A person who has violated the provisions of Article 3(1) [Article 39(1) to (3); attempt, Article 39(4); preparation for the crime prescribed in Article 39(1) (manufacture of chemical weapons), Article 41]
- A person who has committed the crimes prescribed in Articles 38 to 41 outside

Japan [Article 42]

- A person who has manufactured, used, etc. a specific chemical without license [Article 43, Article 44]
- A person who has failed to make a notification or has made a false notification with regard to a specific chemical or designated chemical [Article 45]