

Act on Promotion of Recycling of Small Waste Electrical and Electronic Equipment

Act No. 57 of August 10, 2012

(Purpose)

Article 1 In light of the circumstances where a considerable portion of metals or other useful materials used in small waste electrical and electronic equipment is disposed of without being recovered, this Act aims to take measures for promoting the recycling of small waste electrical and electronic equipment, thereby ensuring proper disposal of waste and effective use of resources and contributing to the preservation of the living environment and the sound development of the national economy.

(Definition)

Article 2 The term "small electrical and electronic equipment" as used in this Act means electronic equipment and other electrical equipment (excluding specified home appliances prescribed in Article 2, paragraph (4) of the Act on Recycling of Specified Home Appliances (Act No. 97 of 1998)) used by general consumers in their daily lives that is specified by Cabinet Order as equipment falling under both of the following items:

- (i) when the electrical equipment has become waste (meaning the waste prescribed in Article 2, paragraph (1) of the Waste Management and Public Cleaning Act (Act No. 137 of 1970; hereinafter referred to as the "Waste Management Act"); the same applies in the following item and Article 10, paragraph (3), item (i)), its effective collection and transportation is found to be possible;
 - (ii) when the electrical equipment has become waste, its recycling is especially necessary for achieving proper disposal of waste and effective use of resources, and no significant economic constraints are found for the recycling thereof.
- (2) The term "small waste electrical and electronic equipment" as used in this Act means small electrical and electronic equipment whose use has been terminated.
- (3) The term "recycling" as used in this Act means to make the whole or part of the small waste electrical and electronic equipment available for use as raw materials, components or as part of another product.

(Basic Policy)

Article 3 In order to promote the recycling of small waste electrical and electronic equipment in a comprehensive and planned manner, the competent minister is to establish a basic policy on the promotion of the recycling of small waste electrical and electronic equipment (hereinafter referred to as the "basic policy").

- (2) The basic policy specifies the following matters:
- (i) basic direction for promoting the recycling of small waste electrical and electronic equipment;
 - (ii) a quantitative goal for the recycling of small waste electrical and electronic equipment;
 - (iii) matters concerning measures for promoting the recycling of small waste electrical and electronic equipment;
 - (iv) matters concerning the dissemination of knowledge on the significance of promoting the recycling of small waste electrical and electronic equipment as a means to contribute to the preservation of the environment;

- (v) beyond what is set forth in the preceding items, important matters concerning the promotion of the recycling of small waste electrical and electronic equipment;
 - (vi) important matters for protecting personal information or other matters to be considered in promoting the recycling of small waste electrical and electronic equipment.
- (3) When the competent minister has established the basic policy or has altered it, the minister must publicize the establishment or the alteration without delay.

(Responsibilities of the National Government)

Article 4 The national government must endeavor to secure funds or take other measures necessary for recycling of small waste electrical and electronic equipment and promoting the sorted collection..

- (2) The national government must endeavor to collect, compile and utilize information on small waste electrical and electronic equipment, promote research and development concerning the recycling of small waste electrical and electronic equipment, disseminate the outcomes thereof, and take other necessary measures.
- (3) The national government must endeavor to deepen public understanding of the collection, transportation and recycling of small waste electrical and electronic equipment through educational activities and public relations activities, and seek public cooperation for the implementation thereof.

(Responsibilities of Local Governments)

Article 5 Municipal governments must endeavor to take measures necessary for the sorted collection of small waste electrical and electronic equipment in respective municipalities, and deliver small waste electrical and electronic equipment thus collected to persons approved under Article 10, paragraph (3) or other persons who can properly recycle small waste electrical and electronic equipment.

- (2) Prefectural governments must endeavor to offer necessary technical support to municipal governments so that they can sufficiently fulfil their responsibilities set forth in the preceding paragraph.
- (3) Prefectural and municipal governments must endeavor to take measures necessary for promoting the recycling of small waste electrical and electronic equipment in line with the measures taken by the national government.

(Responsibilities of Consumers)

Article 6 When consumers generate small waste electrical and electronic equipment, they must endeavor to sort the relevant equipment for processing and deliver it to respective municipal governments or other persons who can properly collect, transport or recycle small waste electrical and electronic equipment.

(Responsibilities of Businesses)

Article 7 When businesses generate small waste electrical and electronic equipment in association with their business activities, they must endeavor to sort the relevant equipment for processing and deliver it to persons approved under Article 10, paragraph (3) or other persons who can properly collect or transport, or recycle small waste electrical and electronic equipment.

(Responsibilities of Retailers)

Article 8 Persons who retail small electrical and electronic equipment in the course of trade must endeavor to offer cooperation for ensuring consumers' proper processing of small waste electrical and electronic equipment.

(Responsibilities of Manufacturers)

Article 9 Persons who manufacture small electrical and electronic equipment in the course of trade must endeavor to reduce costs for recycling small waste electrical and electronic equipment by devising product design and selection of types of components or raw materials for small electrical and electronic equipment and also use items and materials obtained through the recycling of small waste electrical and electronic equipment.

(Approval of a Recycling Business Plan)

Article 10 A person who intends to engage in the business of the collection, transportation and disposal (including recycling; the same applies hereinafter) of small waste electrical and electronic equipment for the purpose of recycling thereof (hereinafter that business is referred to as the "recycling business") (including a person who intends to engage in the recycling business by entrusting the whole or part of the collection, transportation or disposal to other person(s)) may prepare a plan for conducting the recycling business of small waste electrical and electronic equipment (hereinafter referred to as a "recycling business plan" in this Article and paragraph (4), item (i) of the following Article), as provided for by order of the competent ministry, and file an application for an approval of the competent minister.

(2) The following matters must be stated in a recycling business plan:

- (i) the applicant's name and address, and in the case of a juridical person, the name of its representative;
- (ii) when the applicant is a juridical person, the names of its officers (meaning a member who executes the operation of the juridical person, director, executive officer or other equivalent person, including a person who is found to have the power to control the juridical person equivalent or superior to that of any member who executes the operation of the juridical person, director, executive officer or other equivalent person, irrespective of the person's title as an advisor, consultant or the like; the same applies in item (iv) of the following paragraph), and if there are any employees specified by Cabinet Order, the employees' names;
- (iii) when the applicant is an individual, and if there are any employees specified by Cabinet Order, the employees' names;
- (iv) a zone where the applicant intends to collect small waste electrical and electronic equipment;
- (v) the details of the recycling business;
- (vi) persons who carry out the collection, transportation or disposal of small waste electrical and electronic equipment and which activities out of the collection, transportation or disposal the relevant persons carry out;
- (vii) facilities to be used for the collection or transportation of small waste electrical and electronic equipment;
- (viii) the locations, structures and installation of the facilities to be used for the disposal of small waste electrical and electronic equipment;
- (ix) when the applicant intends to conduct research and development concerning the recycling of small waste electrical and electronic equipment, the content thereof;
- (x) other matters specified by order of the competent ministry.

- (3) When an application has been filed under paragraph (1) and the relevant recycling business plan, for which the application has been filed is found to comply with all of the following items, the competent minister grants an approval thereof:
- (i) the details of the recycling business are appropriate in light of the basic policy and comply with the standards specified by order of the competent ministry as a business contributing to the proper disposal of waste and effective use of resources;
 - (ii) the zone set forth in item (iv) of the preceding paragraph complies with the standard specified by order of the competent ministry as a zone contributing to the collection of small waste electrical and electronic equipment over a wide area;
 - (iii) the competence of the applicant and the persons prescribed in item (vi) of the preceding paragraph, as well as facilities set forth in item (vii) of the same paragraph and facilities prescribed in item (viii) of the same paragraph comply with the standards specified by order of the competent ministry as persons and facilities that can properly and continuously conduct the recycling business;
 - (iv) the applicant and the persons prescribed in item (vi) of the preceding paragraph do not fall under any of the following:
 - (a) a person falling under either of Article 14, paragraph (5), item (ii), (a) or (b) of the Waste Management Act;
 - (b) a person who had been sentenced to a fine for violating this Act and for whom five years have not elapsed since the day on which the person finishes serving the sentence or becomes no longer subject to the execution of that sentence;
 - (c) a person who has the approval set forth in this paragraph rescinded under paragraph (4) of the following Article and for whom five years have not elapsed since the day of the rescission (when the person whose approval has been rescinded is a juridical person, including a person who has been an officer of the juridical person within 60 days prior to the day on which a notice of the rescission is given under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) and for whom five years have not elapsed since the day of the rescission);
 - (d) a minor who does not have the same capacity to act as an adult with regard to the business and whose statutory agent (when the statutory agent is a juridical person, including its officers) falls under any of (a) through (c) above;
 - (e) a juridical person that has any officer or any of the employees specified by Cabinet Order who falls under any of (a) through (c) above;
 - (f) an individual who has any of the employees specified by Cabinet Order who fall under any of (a) through (c) above;
 - (g) a person falling under Article 14, paragraph (5), item (ii), (f) of the Waste Management Act.

(Alteration of Recycling Business Plans)

- Article 11 When a person who had obtained the approval set forth in paragraph (3) of the preceding Article (hereinafter referred to as an "approved business") intends to alter any of the matters set forth in paragraph (2), item (iv) through item (viii) of the same Article, the business must obtain the approval of the competent minister, as provided for by order of the competent ministry; provided, however, that this does not apply to minor alterations specified by order of the competent ministry.
- (2) When an approved business intends to make any minor alteration specified by order of the competent ministry set forth in the proviso to the preceding paragraph, the business must notify the competent ministry of that intention in advance, as provided for by order of the competent ministry.

- (3) When an approved business has altered any of the matters set forth in paragraph (2), item (i) through item (iii) or item (ix) or item (x) of the preceding Article, the business must notify the competent minister to that effect without delay, as provided for by order of the competent ministry.
- (4) The competent minister may rescind the approval set forth in paragraph (3) of the preceding Article, when finding that the case falls under any of the following items:
 - (i) when the approved business (including any of the persons prescribed in paragraph (2), item (vi) of the preceding Article who is stated in the recycling business plan pertaining to the approval set forth in paragraph (3) of the same Article (when there has been any alteration under paragraph (1) or any alteration pertaining to the notification under the preceding two paragraphs, the plan after the alteration (hereinafter referred to as the "approved plan")); hereinafter that business is referred to as the "approved business, etc.") is not conducting the recycling business in line with the approved plan;
 - (ii) when the approved business has entrusted any person other than the persons prescribed in paragraph (2), item (vi) of the preceding Article who is stated in the approved plan with acts necessary for the recycling of small waste electrical and electronic equipment pertaining to that approval;
 - (iii) when the competence of the approved business, etc. or any of the facilities set forth in paragraph (2), item (vii) of the preceding Article or the facilities prescribed in item (viii) of the same paragraph has ceased to comply with the standards specified by order of the competent ministry set forth in paragraph (3), item (iii) of the same Article;
 - (iv) when the approved business, etc. has come to fall under any of paragraph (3), item (iv), (a) through (g) of the preceding Article.
- (5) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the approval set forth in paragraph (1).

(Obligation to Collect Small Waste Electrical and Electronic Equipment)

Article 12 When requested by a municipal government within the zone set forth in Article 10, paragraph (2), item (iv) to collect small waste electrical and electronic equipment that the municipal government had sorted and collected, an approved business must collect that small waste electrical and electronic equipment except for the case where there are any reasonable grounds specified by order of the competent ministry.

(Special Provisions of the Waste Management Act Regarding Approved Businesses)

Article 13 Notwithstanding the provisions of Article 7, paragraph (1) or paragraph (6) or Article 14, paragraph (1) or paragraph (6) of the Waste Management Act, an approved business may be exempted from obtaining the permission under these provisions to carry out acts necessary for the recycling of small waste electrical and electronic equipment pertaining to that permission (limited to acts falling under the collection, transportation or disposal of municipal solid waste (meaning the municipal solid waste prescribed in Article 2, paragraph (2) of the Waste Management Act; the same applies in paragraph (7)) or industrial waste (meaning the industrial waste prescribed in Article 2, paragraph (4) of the Waste Management Act; the same applies in the following paragraph and paragraph (1) of the following Article); the same applies in paragraph (3)), in the course of trade.

- (2) When an approved business intends to entrust the acts prescribed in the preceding paragraph (limited to acts falling under the collection, transportation or disposal of industrial waste) to the persons prescribed in Article 10, paragraph (2), item (vi) who are stated in the approved plan, the approved business must follow the standards specified by Cabinet Order.

- (3) Notwithstanding the provisions of Article 7, paragraph (1) or paragraph (6) or Article 14, paragraph (1) or paragraph (6) of the Waste Management Act, a person who carries out acts necessary for the recycling of small waste electrical and electronic equipment, as entrusted by an approved business, in the course of trade (limited to any of the persons prescribed in Article 10, paragraph (2), item (vi) who is stated in the approved plan) may be exempted from obtaining the permission under these provisions to carry out acts necessary for the recycling of small waste electrical and electronic equipment to be carried out in line with the approved plan, in the course of trade.
- (4) With regard to the application of the provisions of Article 6-2, paragraph (6), Article 7, paragraph (13), paragraph (15), and paragraph (16), and Article 7-5 of the Waste Management Act (including penal provisions pertaining to these provisions), or the provisions of Article 12, paragraph (5), Article 12-4, paragraph (1), Article 14, paragraph (12) through paragraph (15) and paragraph (17), and Article 14-3-3 of the Waste Management Act (including penal provisions pertaining to these provisions), an approved business is deemed to be a municipal solid waste collection and transport contractor (meaning the municipal solid waste collection and transport contractor prescribed in Article 7, paragraph (12) of the Waste Management Act; the same applies in the following paragraph and paragraph (6)), municipal solid waste disposal contractor (meaning the municipal solid waste disposal contractor prescribed in Article 7, paragraph (12) of the Waste Management Act; the same applies in the following paragraph and paragraph (6)), industrial waste collection and transport contractor (meaning the industrial waste collection and transport contractor prescribed in Article 14, paragraph (12) of the Waste Management Act; the same applies in the following paragraph and paragraph (6)), or industrial waste disposal contractor (meaning the industrial waste disposal contractor prescribed in Article 14, paragraph (12) of the Waste Management Act; the same applies in the following paragraph and paragraph (6)).
- (5) With regard to the application of the provisions of Article 6-2, paragraph (6), Article 7, paragraph (13) and paragraph (14), and Article 7-5 of the Waste Management Act (including penal provisions pertaining to these provisions), or the provisions of Article 12, paragraph (5), Article 12-4, paragraph (1), Article 14, paragraph (12) through paragraph (16), and Article 14-3-3 of the Waste Management Act (including penal provisions pertaining to these provisions), the person prescribed in paragraph (3) is deemed to be a municipal solid waste collection and transport contractor, municipal solid waste disposal contractor, industrial waste collection and transport contractor, or industrial waste disposal contractor.
- (6) With regard to the application of the provisions of Article 19-3 of the Waste Management Act (including penal provisions pertaining to the provisions of the same Article), the person prescribed in the preceding two paragraphs is deemed to be a municipal solid waste collection and transport contractor, municipal solid waste disposal contractor, industrial waste collection and transport contractor, or industrial waste disposal contractor.
- (7) When the collection, transportation or disposal of small waste electrical and electronic equipment (limited to the equipment falling under the category of municipal solid waste) has been carried out in a manner not complying with the municipal solid waste disposal standards (meaning the municipal solid waste disposal standards prescribed in Article 6-2, paragraph (2) of the Waste Management Act), if an approved business had requested, asked or incited the person who carried out that collection, transportation or disposal to do so or had helped the person carry out the collection, transportation or disposal, the approved business is deemed to be a disposing person, etc. prescribed in Article 19-4, paragraph (1) of the Waste Management Act with regard to the

application of the provisions of the same Article (including penal provisions pertaining to the provisions of the same Article).

(Special Provisions of the Act on Promotion of Development of Specified Facilities for the Disposal of Industrial Waste)

Article 14 The Japan Industrial Waste Management Foundation designated under Article 16, paragraph (1) of the Act on Promotion of Development of Specified Facilities for the Disposal of Industrial Waste (Act No. 62 of 1992) (referred to as the "foundation" in the following paragraph) may perform the following duties, beyond the duties set forth in the items of Article 17 of the same Act:

- (i) to guarantee debts pertaining to borrowings necessary for the business of developing facilities to be used for the recycling of small waste electrical and electronic equipment (limited to the recycling falling under the disposal of industrial waste) that an approved business, etc. conducts in line with an approved plan;
 - (ii) to provide subsidies to be allocated to funds necessary for research and development (limited to research and development contributing to the development of new technologies concerning the disposal of industrial waste) that an approved business, etc. conducts in line with an approved plan;
 - (iii) to perform duties incidental to the duties set forth in the preceding two items.
- (2) When the foundation performs the duties set forth in the items of the preceding paragraph under the same paragraph, the term "the duties set forth in item (i) through item (iv) of the preceding Article" in Article 18, paragraph (1) of the Act on Promotion of Development of Specified Facilities for the Disposal of Industrial Waste is deemed to be replaced with "the duties set forth in item (i) through item (iv) of the preceding Article and the duties set forth in Article 14, paragraph (1), item (i) of the Act on Promotion of Recycling of Small Waste Electrical and Electronic Equipment (Act No. 57 of 2012; hereinafter referred to as the "Recycling Promotion Act")"; the term "the duties set forth in the items of Article 17" in Article 19 of the same Act is deemed to be replaced with "the duties set forth in the items of Article 17 and the duties set forth in the items of Article 14, paragraph (1) of the Recycling Promotion Act"; the term "the duties set forth in Article 17, item (ii) to item (iv), and" in Article 21, item (ii) of the same Act is deemed to be replaced with "the duties set forth in Article 17, item (ii) to item (iv), the duties set forth in Article 14, paragraph (1), item (i) of the Recycling Promotion Act, and"; the term "the duties set forth in Article 17, item (v), and" in item (iii) of the same Article is deemed to be replaced with "the duties set forth in Article 17, item (v), the duties set forth in Article 14, paragraph (1), item (ii) of the Recycling Promotion Act, and"; the term "the duties set forth in the items of Article 17" in Article 22, paragraph (1), Article 23, and Article 24, paragraph (1), item (i) of the same Act is deemed to be replaced with "the duties set forth in the items of Article 17, or the duties set forth in the items of Article 14, paragraph (1) of the Recycling Promotion Act"; the term "the provisions of this Chapter" in Article 23 and Article 24, paragraph (1), item (iii) of the same Act is deemed to be replaced with "the provisions of this Chapter or the Recycling Promotion Act"; and the terms "Article 22, paragraph (1)" and "the same paragraph" in Article 30 of the same Act are deemed to be replaced with "Article 22, paragraph (1) (including as applied mutatis mutandis following the deemed replacement of terms under Article 14, paragraph (2) of the Recycling Promotion Act; hereinafter the same applies in this Article)" and "Article 22, paragraph (1)," respectively.

(Guidance and Advice)

Article 15 The competent minister is to provide an approved business, etc. with guidance and advice necessary for the proper implementation of the recycling business pertaining to an approved plan.

(Collection of Reports)

Article 16 The competent minister may have an approved business, etc. make a report on the implementation status of the collection or recycling of small waste electrical and electronic equipment, to the extent necessary for the enforcement of this Act.

(On-site Inspection)

Article 17 The competent minister may have ministry officials enter the office, factory, workplace, or warehouse of an approved business, etc. to inspect books, documents and other objects, to the extent necessary for the enforcement of this Act.

- (2) An official who conducts an on-site inspection under the preceding paragraph must carry an identification card and present it to the people concerned.
- (3) The authority to conduct an on-site inspection under paragraph (1) must not be interpreted as being granted for the purpose of criminal investigation.

(Inquiries to Relevant Administrative Organs)

Article 18 The competent minister may make inquiries to or request cooperation from relevant administrative organs or relevant local governments with regard to the affairs based on the provisions of this Act.

(Competent Ministers)

Article 19 The competent minister under this Act is the Minister of the Environment or the Minister of Economy, Trade and Industry.

- (2) Orders of the competent ministry are orders issued by the Minister of the Environment or the Minister of Economy, Trade and Industry.

(Delegation of Authority)

Article 20 The authority of the competent minister prescribed in this Act may be delegated to the head of a local branch or department, as provided for by order of the competent ministry.

(Penal Provisions)

Article 21 A person falling under either of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who has failed to make a report under Article 16 or has made a false report;
 - (ii) a person who has refused, obstructed or evaded the inspection under Article 17, paragraph (1).
- (2) When the representative of a juridical person or an agent, employee or other worker of a juridical person or an individual has committed an offense set forth in the preceding paragraph in relation to the duties of the juridical person or the individual, not only the offender is punished, but also the juridical person or the individual is punished by the fine set forth in the same paragraph.

Supplementary Provisions

(Effective Date)

- (1) This Act comes into effect as of a day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Review)

- (2) When five years have elapsed since the enforcement of this Act, the government reviews the status of enforcement of this Act, and takes any necessary measures based on the review results.