

Ordinance for Enforcement of the Act on Promoting the Distribution and Use of Legally Harvested Wood (Tentative translation)

Ordinance of the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, and the Ministry of Land, Infrastructure, Transport and Tourism No. 1 of May 1, 2017

(Definitions)

Article 1 The terms used in this Ministerial Ordinance shall have the same meanings as the terms used in the Act on Promoting the Distribution and Use of Legally Harvested Wood (hereinafter referred to as "the Act"), and the terms listed in the following items shall have the meanings as specified respectively in those items:

- (i) Type I Wood-Related Business means the businesses listed in (a) through (d) below:
 - (a) Business where a person who acquired logs made from trees provided by the owner of said trees processes, exports or sells (excluding a sale to consumers; the same shall apply hereinafter) said logs (including business that entrusts the processing, export or sales operation to a third person);
 - (b) Business where an owner of trees processes or exports logs made from said trees (including business that entrusts the processing or export operation to a third party);
 - (c) Business where a person entrusted by an owner of trees with selling logs made from said trees (including those who are re-entrusted by the person with selling said trees) sells said logs in the market for wood trading; and
 - (d) Business to import wood, etc.
- (ii) Type II Wood-Related Business means the businesses conducted by a wood-related business operator set forth in Article 2, paragraph (3) of the Act, other than Type I Wood-Related Business.

(Articles such as Furniture and Paper)

Article 2 Articles specified by ordinances of the competent ministry set forth in Article 2, paragraphs (1) and

- (i) Chairs, desks, shelves, furniture for storage, low partitions, coat hangers, umbrella stands, bulletin boards, blackboards, whiteboards and bed frames that are mainly made from wood;
- (ii) Wood pulps;
- (iii) Copy paper, form paper, coated paper for ink-jet color printers, uncoated printing paper, coated printing paper, tissue paper and toilet paper that are made of wood pulps;
- (iv) Wood floors whose base material is made from wood;
- (v) Wood-cement boards;
- (vi) Siding boards made from wood; and
- (vii) Articles that are made at the intermediate stage of manufacturing or processing the articles listed in the preceding items and produced as said articles after the manufacturing or processing stage that are made from wood or wood pulps.

(Business Using Wood)

Article 3 The business specified by ordinances of the competent ministry set forth in Article 2, paragraph (3) of the Act shall be a business that supplies electricity utilities (meaning electricity utilities set forth in paragraph (1) of the same Article; the same shall apply hereinafter) with

electricity obtained by converting woody biomass (organic substances derived from plants and animals which can be used as a source of energy (excluding crude oil, petroleum gas, combustible natural gas and coal and their products) that are derived from trees; the same shall apply hereinafter) provided by certified business operators set forth in Article 2, paragraph (5) of the Act on Special Measures Concerning Procurement of Electricity from Sources of Renewable Energy by Electricity Utilities (Act No.108 of 2011).

(Standards of Judgment for Wood-Related Business Operators)

Article 4 Matters specified by ordinances of the competent ministry set forth in Article 6, paragraph (1), item (iv) of the Act shall be matters concerning the development of systems for wood-related business operators.

(Application for Registration of a Wood-Related Business Operator)

Article 5 A wood-related business operator that intends to obtain registration as a wood-related business operator set forth in Article 8 of the Act (including the renewal of a registration set forth in Article 12, paragraph (1) of the Act; simply referred to as "registration" in Article 8) must apply for the scope of business pertaining to said registration with the Registration Implementation Agency which is the subject of Registration Implementation Affairs.

(Matters to Be Stated in an Application)

Article 6 Matters specified by an ordinance of the competent ministry set forth in Article 9, paragraph (1), item (ii) of the Act (including the cases where applied mutatis mutandis pursuant to Article 12, paragraph (2) of the Act) shall be as follows:

- (i) Distinction of Type I Wood-Related Business and Type II Wood-Related Business;
 - (ii) Distinction of business that manufactures, imports, exports or sell wood, etc., business that builds or constructs buildings and other structures using wood, and business that supplies electricity utilities with electricity obtained by converting woody biomass;
 - (iii) Department, office, factory or workplace to which measures are taken to ensure the use of legally harvested wood, etc.;
 - (iv) Types of wood, etc. to which measures are taken to ensure the use of legally harvested wood, etc.;
 - (v) Outlook for the annual weight, area, volume or quantity of the wood, etc. set forth in the preceding item; and
 - (vi) In case of an operator engaged in Type I Wood-Related Business, the type of trees that are the raw material of the wood, etc. set forth in item (iv) pertaining to said Type I Wood-Related Business (in case of articles listed in Article 2, item (i), limited to the raw materials for the members; in case of articles listed in item (iv) of the same Article, limited to the raw materials for the base materials) and the country or region where said trees were logged.
- (2) An operator engaged in Type I Wood-Related Business must, when stating the matters listed in items (iii) and (iv) of the preceding paragraph, state all departments, offices, factories and workplaces as well as all types of wood, etc. concerning said Type I Wood-Related Business.

(Documents to Be Attached to Written Application)

Article 7 Matters specified by an ordinance of the competent ministry set forth in Article 9, paragraph (2) of the Act (including the cases where applied mutatis mutandis pursuant to Article 12, paragraph (2) of the Act) shall be as follows:

- (i) Matters pertaining to methods to properly and reliably take measures for ensuring the use of legally harvested wood, etc.; and
 - (ii) Matters pertaining to separate management of legally harvested wood, etc., assignment of personnel responsible for the measures to ensure the use of legally harvested wood, etc., and development of other necessary systems.
- (2) The following documents must be attached to the written application set forth in Article 9, paragraph (1), in addition to the documents set forth in paragraph (2) of the same Article.
- (i) In case of an individual, a copy of the certificate of residence;
 - (ii) In case of a juridical person, the articles of incorporation or articles of endowment, a certificate of registered information, and a list of officers; and
 - (iii) Documents evidencing that the applicant does not fall under Article 11, paragraph (1), items (ii) through (iv) of the Act.

(Matters of Publication for Registration)

Article 8 Matters specified by an ordinance of the competent ministry set forth in Article 10, paragraph (2) of the Act (including the cases where applied mutatis mutandis pursuant to Article 12, paragraph (2) of the Act) shall be as follows:

- (i) The name and address of a registered person; in case of a judicial person, the name of its representative;
 - (ii) Matters listed in Article 6, paragraph (1), items (i) through (iv); and
 - (iii) Date of registration and number of registration.
- (2) A Registered Implementation Agency must, when having made a registration, issue a public notice of the matters listed in the items of the preceding paragraph at the office until the day on which said registration is deleted and publicly notify thereof by using the Internet or by any other appropriate means without delay.

(Change of Registered Matters for Wood-Related Business Operators)

Article 9 A Registered Wood-Related Business Operator must, when having changed the matters listed in items of Article 9, paragraph (1), file an application for registration of the change to the Registration Implementation Agency without delay.

- (2) A Registered Wood-Related Business Operator intends to file an application under the provision of the preceding paragraph must submit the a document stating the matters that have been changed and the document set forth in Article 9, paragraph (2) of the Act and the documents set forth in Article 7, paragraph (2) that evidence said change to the Registration Implementation Agency.
- (3) A Registration Implementation Agency must, when having received an application set forth in paragraph (1), register the change by stating the matters that have been changed under paragraph (1) in the Wood-Related Business Operator registry, excluding the cases where a registration is deleted pursuant to the provisions of Article 14, paragraph (1) of the Act.
- (4) A Registration Implementation Agency must, when having registered a change set forth in the preceding paragraph, notify to that effect to the Registered Wood-Related Business Operator that has filed the application under the provision of paragraph (1) and publicly notify thereof without delay.
- (5) The provision of paragraph (2) of the preceding paragraph shall apply mutatis mutandis to the public notice under the provision of the preceding paragraph.

(Use of Name)

Article 10 The names that a Registered Wood-Related Business Operator is allowed to use pursuant to the provision of Article 13, paragraph (1) of the Act shall be, in accordance with the following categories of operators, the names specified in said respective items:

- (i) Person engaged in Type I Wood-Related Business shall be a Type I Registered Wood-Related Business Operator; and
 - (ii) Person engaged in Type II Wood-Related Business shall be a Type II Registered Wood-Related Business Operator.
- (2) A Registered Wood-Related Business Operator using the names specified in the provision of item (ii) of the preceding paragraph must take appropriate measures such as avoiding any display that may cause misidentification with regard to the scope of business pertaining to said registration.

(Matters of Publication for Deletion of Registration)

Article 11 A Registration Implementation Agency must, when deleting a registration under the provisions of Article 15 of the Act, publicly notify the following matters:

- (i) The name and address of the person whose registration has been deleted; in case of a judicial person, the name of its representative;
 - (ii) Matters listed in Article 6, paragraph (1), items (i) through (iv);
 - (iii) Date when the registration is deleted; and
 - (iv) Number of registration of the person whose registration has been deleted.
- (2) A Registration Implementation Agency must, when having deleted a registration, issue a public notice of the matters listed in the items of the preceding paragraph at the office until the day on which one year has elapsed from the date of said deletion and publicly notify thereof by using the Internet or by any other appropriate means without delay.

(Application for Registration of Registration Implementation Agency)

Article 12 A person who intends to obtain registration as a Registration Implementation Agency set forth in Article 16 of the Act (including renewal of registration set forth in Article 19, paragraph (1) of the Act; hereinafter referred to simply as "registration" in Article 21) must submit a written application stating the following matters to the competent minister:

- (i) The name and address of the applicant; in case of a judicial person, the name of its representative;
 - (ii) Location of the office where Registration Implementation Affairs will be conducted;
 - (iii) Date when Registration Implementation Affairs will be started; and
 - (iv) Subject of Registration Implementation Affairs.
- (2) The following documents must be attached to the written application set forth in the preceding paragraph; provided, however, that, if said applicant has publicly notified the matters stated in said documents by using the Internet or by any other appropriate means and will submit a document stating necessary matters to confirm said matters together with the written application set forth in the same paragraph, the attachment of a document stating said matters may be omitted:
- (i) In case of an individual, the following documents:
 - (a) A copy of the certificate of residence
 - (b) A record of property
 - (ii) In case of a judicial person, the following documents:
 - (a) Articles of incorporation or articles of endowment
 - (b) A certificate of registered information

- (c) A document stating the names and brief biographical outlines of officers
- (d) The balance sheet for the business year immediately before the business year encompassing the day of the application and the property inventory list at the end of said business year or any documents equivalent thereto (in case of a juridical person established in the business year encompassing the day of the application, a property inventory list as of the time of the establishment)
- (iii) A document evidencing that the applicant does not fall under any of the items of Article 17 of the Act; and
- (iv) A document evidencing that the applicant conforms to all of the items of Article 18, paragraph (1) of the Act.

(Change of Registered Matters of Registration Implementation Agency)

Article 13 A Registration Implementation Agency must, when having changed the matters listed in Article 18, paragraph (2), item (ii) of the Act or paragraph (1), item (iv) of the preceding Article of the Act, notify thereof to the competent minister without delay.

- (2) A Registration Implementation Agency that intends to make a notification under the provisions of Article 21 of the Act or the preceding paragraph must submit a document stating the matters that have been changed set forth in the same Article or the same paragraph to the competent minister.
- (3) The competent minister must, when having received the notification under the provisions of Article 21 of the Act or paragraph (1) (limited to a notification pertaining to the change of matters listed in Article 18, paragraph (2), item (ii) or (iii) of the Act), register the change by stating the matters that have been changed in the Registration Implementation Agency registry.
- (4) The competent minister must, when having registered the change set forth in the preceding paragraph, give public notice to that effect in an official gazette.

(Renewal of Registration)

Article 14 A Registration Implementation Agency that intends to renew its registration set forth in Article 19, paragraph (1) of the Act must apply for the renewal of its registration currently in effect with the competent minister no later than six months prior to the day on which the validity period for the registration expires.

- (2) In case of the application set forth in the preceding paragraph has been filed and when no disposition has been rendered for the application by the expiration date of the validity period of the registration, the previous registration shall remain in effect until a disposition is made even after the expiration of the validity thereof.
- (3) In case of the preceding paragraph, when the registration is renewed, the validity period of the registration shall be calculated from the day following the date of expiration of the validity period of the previous registration.

(Standards Concerning Method of Registration Implementation Affairs)

Article 15 The standards specified by an ordinance of the competent ministry shall be as follows:

- (i) When a registration of a wood-related business operator set forth in Article 8 of the Act (including the registration of change set forth in Article 9, paragraph (3) of the Act and the renewal of registration set forth in Article 12, paragraph (1) of the Act; simply referred to as "registration" in this Article and Article 20) is made, examination of the documents pertaining to said application, interview with said applicant on an as-needed basis, and other investigations shall be conducted to find that the applicant does not fall under any of the items of Article 11, paragraph (1) of the Act.

- (ii) When a registration is made, the following matters shall be specified with the applicant in advance:
 - (a) The applicant must, when having obtained registration, report to the Registration Implementation Agency about the implementation status of measures taken to ensure the use of legally harvested wood, etc. at least once a year.
 - (b) The applicant must, when having obtained registration, cooperate with an interview or other means of investigation that is conducted when the Registration Implementation Agency finds it necessary to confirm that said applicant properly and reliably takes measures for ensuring the use of legally harvested wood, etc. within the scope of business pertaining to said registration and conforms to the provisions of Article 10.
- (iii) When a Registered Wood-Related Business Operator is found to fall under Article 11, paragraph (1), item (i) or Article 14, paragraph (1), item (ii) of the Act as a result of the report set forth in (a) of the preceding item or the investigation set forth in (b) of the same item, said Registered Wood-Related Business Operator shall be requested to properly and reliably take measures for ensuring the use of legally harvested wood, etc. within the scope of business pertaining to the registration or to conform to the provisions of Article 10.
- (iv) Information acquired in the course of Registration Implementation Affairs must be kept confidential.

(Granting of the Opportunity for Explanation)

Article 16 A Registration Implementation Agency must, when deleting a registration of a Registered Wood-Related Business Operator under the provision of Article 14, paragraph (1) of the Act, notify said Registered Wood-Related Business Operator thereof and grant the opportunity for explanation no later than one week prior to the date of deletion.

(Rules of Registration Implementation Affairs)

Article 17 Matters specified by an ordinance of the competent ministry set forth in Article 22, paragraph (2) of the Act shall be as follows:

- (i) Matters concerning the subject of Registration Implementation Affairs;
- (ii) Matters concerning the hours for conducting Registration Implementation Affairs and holidays;
- (iii) Matters concerning the office where Registration Implementation Affairs are conducted;
- (iv) Matters concerning the collection of fees for Registration Implementation Affairs;
- (v) Matters concerning the means of implementing Registration Implementation Affairs;
- (vi) Matters concerning the retention of confidential information that was acquired in the course of Registration Implementation Affairs;
- (vii) Matters concerning the management of books, documents, etc.;
- (viii) Matters concerning securing fairness in Registration Implementation Affairs;
- (ix) Matters concerning organizations that conduct Registration Implementation Affairs;
- (x) Matters concerning the duties of the person who conducts Registration Implementation Affairs; and
- (xi) Other necessary matters concerning Registration Implementation Affairs.

(Notification of Suspension or Discontinuation of Registration Implementation Affairs)

Article 18 A Registration Implementation Agency that intends to make a notification under the provisions of Article 23 of the Act must submit a written notification stating the following matters

to the competent minister no later than six months prior to the day on which Registration Implementation Affairs are suspended or discontinued:

- (i) The name and address of the person; in case of a judicial person, the name of its representative;
- (ii) Location of the office where Registration Implementation Affairs to be suspended or discontinued are conducted;
- (iii) Subject of Registration Implementation Affairs to be suspended or discontinued;
- (iv) Date when Registration Implementation Affairs will be suspended or discontinued; and
- (v) In case of suspension, the period.

(Method of Indicating Matters Recorded in Electromagnetic Records)

Article 19 The method specified by an ordinance of the competent minister set forth in Article 24, paragraph (2), item (iii) of the Act shall be the one of indicating electromagnetically recorded matters on paper or on the screen of an output device.

(2) The electromagnetic method specified by an ordinance of the competent ministry set forth in Article 24, paragraph (2), item (iv) of the Act shall be those listed below, which are specified by the Registration Implementation Agency:

- (i) Means of using an electronic data processing system connecting the computer used by a sender and the computer used by a receiver over a telecommunications line, by which information is sent over said telecommunications line and recorded in a file stored on the computer used by the receiver; and
- (ii) Means of delivering information, which are prepared with any object enabling secure storage of certain information through magnetic disks or any other means equivalent thereto.

(Books)

Article 20 The books set forth in Article 28 of the Act must be prepared and maintained in each office conducting Registration Implementation Affairs and stored until the Registration Implementation Affairs are abolished.

(2) Matters specified by an ordinance of the competent ministry set forth in Article 28 of the Act shall be as follows:

- (i) Matters listed in the items of Article 9, paragraph (1) of the Act;
- (ii) Date on which the application for registration was received;
- (iii) Distinction of registration or refusal of registration;
- (iv) In case where the registration was refused, the reason;
- (v) In case where the registration was made, the date of registration and number of registration; and
- (vi) Other necessary matters concerning implementing Registration Implementation Affairs.

(3) A Registration Implementation Agency must, when having made or refused a registration, state the matters listed in the items of the preceding paragraph in the books without delay.

(Public Notice of Registration Implementation Agency)

Article 21 The competent minister must, when having made a registration, publicly notice the following matters:

- (i) Matters listed in the items of Article 18, paragraph (2) of the Act; and
- (ii) Subject of Registration Implementation Affairs of the Registration Implementation Agency.

(Form of Identification Cards)

Article 22 The form of identification cards carried by officials who conduct an on-site inspection pursuant to the provisions of Article 33, paragraphs (1) and (2) of the Act shall be based on the appended form.

Supplementary Provisions

This Ministerial Ordinance shall come into effect as of the day of enforcement of the Act on Promoting the Distribution and Use of Legally Harvested Wood (Act No.48 of May 20, 2017).

Form (Related to Article 22) (Japanese Industrial Standard "A" Series size 7)