

Regulation for Enforcement of the Act on Promotion of Recycling of Small Waste Electrical and Electronic Equipment

Order of the Ministry of Economy, Trade and Industry and the Ministry of the Environment No. 3
of March 6, 2013

(Definition)

Article 1 The terms used in this Ministerial Order follow the definitions in the Act on Promotion of Recycling of Small Waste Electrical and Electronic Equipment (hereinafter referred to as the "Act") and the Order for Enforcement of the Act on Promotion of Recycling of Small Waste Electrical and Electronic Equipment (Cabinet Order No. 45 of 2013).

(Documents to be Attached to a Recycling Business Plan)

Article 2 A person who intends to apply for an approval of a recycling business plan under Article 10, paragraph (1) of the Act must attach the following documents to the written application:

- (i) when the applicant is a juridical person, its articles of incorporation and certificate of registered matters;
- (ii) when the applicant is an individual, a copy of the individual's residence certificate;
- (iii) a document proving that the zone set forth in Article 10, paragraph (2), item (iv) of the Act complies with Article 5;
- (iv) a document proving that the applicant and persons prescribed in Article 10, paragraph (2), item (vi) of the Act comply with Article 6, item (i), (a) and (b);
- (v) a document proving that the applicant and persons prescribed in Article 10, paragraph (2), item (vi) of the Act do not fall under any items in Article 10, paragraph (3), item (iv), (a) through (g) of the Act;
- (vi) a document proving that the facilities to be used for the collection or transportation of small waste electrical and electronic equipment pertaining to that application comply with Article 6, item (ii), (a) and (b);
- (vii) when facilities to be used for the disposal (including recycling; the same applies hereinafter) of small waste electrical and electronic equipment pertaining to that application fall under the category of municipal solid waste disposal facilities prescribed in Article 8, paragraph (1) of the Waste Management and Public Cleaning Act (Act No. 137 of 1970; hereinafter referred to as the "Waste Management Act") or industrial waste disposal facilities prescribed in Article 15, paragraph (1) of the same Act, a document proving that the person has obtained the permission under Article 8, paragraph (1) or Article 15, paragraph (1) of the same Act (when the permission under Article 9, paragraph (1) or Article 15-2-6, paragraph (1) of the same Act must be obtained, the permission under these provisions) for the facilities;
- (viii) a document proving that facilities to be used for the disposal of small waste electrical and electronic equipment pertaining to that application comply with Article 6, item (iii), (a), (b), (d), and (e);
- (ix) when the person reuses small waste electrical and electronic equipment (meaning the transfer of the whole or part of small waste electrical and electronic equipment, with or without compensation, to a person who reuses it as the whole or part of another small electrical and

electronic equipment or sells it; the same applies hereinafter) as the recycling business pertaining to that application and when that reuse requires permission, authorization or other administrative disposition under the provisions of other laws and regulations, a copy of the document proving that the person has received the required disposition;

- (x) a document proving that it is possible to sort out in a highly advanced manner and recover iron, aluminum, copper, gold, silver, platinum, palladium and plastic contained in small waste electrical and electronic equipment by way of shredding, sorting or other means.

(Matters to be Stated in a Recycling Business Plan)

Article 3 The other matters specified by order of the competent ministry set forth in Article 10, paragraph (2), item (x) of the Act are as follows:

- (i) the quantity of small waste electrical and electronic equipment that is estimated to be disposed of in one year after obtaining the approval in the recycling business pertaining to that application;
- (ii) measures to be taken to prevent damage to the living environment in the event where any disposal has been conducted in a manner not complying with the municipal solid waste management standards prescribed in Article 6-2, paragraph (2) of the Waste Management Act or the industrial waste management standards prescribed in Article 12, paragraph (1) of the same Act in the recycling business pertaining to that application;
- (iii) the addresses of the persons prescribed in Article 10, paragraph (2), item (vi) of the Act, and in the case of a juridical person, the name of its representative.

(Standards for the Details of the Recycling Business)

Article 4 The standards specified by order of the competent ministry set forth in Article 10, paragraph (3), item (i) of the Act are as follows:

- (i) the entirety of the process from the collection to the completion of disposal of small waste electrical and electronic equipment is clear;
- (ii) the person recovers sealed batteries (meaning sealed lead acid batteries (limited to those with a quantity of electricity of not more than 234 kC), or sealed alkaline or lithium batteries and excluding those for holding equipment memory), fluorescent light tubes, gas cylinders and toner cartridges (hereinafter referred to as "sealed batteries etc.") from small waste electrical and electronic equipment within a range technically and economically possible, and disposes of those sealed batteries etc. by itself or delivers them to a person who can carry out that disposal in the course of trade;
- (iii) the person recovers fluorocarbons (meaning the fluorocarbons prescribed in Article 2, paragraph (1) of the Act on Rational Use and Proper Management of Fluorocarbons (Act No. 64 of 2001); the same applies hereinafter) from small waste electrical and electronic equipment within a range technically and economically possible, and properly destroys those fluorocarbons by itself or by entrusting to another person;
- (iv) the person sorts out in a highly advanced manner and recovers iron, aluminum, copper, gold, silver, platinum, palladium and plastic contained in small waste electrical and electronic equipment by way of shredding, sorting or other means, and carries out the recycling, heat recovery (meaning to use the whole or part of the materials obtained through the recovery (hereinafter referred to as "recovered materials") that can be or are highly likely to be used for burning for the purpose of obtaining heat) or stabilization (hereinafter referred to as "recycling,

etc.") of the following resources contained in the recovered materials by itself or delivers that recovered materials to a person who can carry out that recycling, etc. in the course of trade:

- (a) iron;
 - (b) aluminum;
 - (c) copper;
 - (d) gold;
 - (e) silver;
 - (f) platinum;
 - (g) palladium;
 - (h) selenium;
 - (i) tellurium;
 - (j) lead;
 - (k) bismuth;
 - (l) antimony;
 - (m) zinc;
 - (n) cadmium;
 - (o) mercury;
 - (p) plastic;
- (v) upon collection, transportation and disposal of small waste electrical and electronic equipment wherein personal information is recorded, the person takes measures necessary for preventing the leakage of the personal information;
- (vi) when entrusting the whole or part of the recycling business to another person(s), the scope of the duties to be entrusted and the scope of the entrusting party's responsibility are clarified and the person takes necessary measures for supervising the entrusted party to ensure proper collection, transportation or disposal pertaining to that application;
- (vii) when reusing small waste electrical and electronic equipment, the person ensures proper reuse by such means as checking that that small waste electrical and electronic equipment functions properly;
- (viii) the person takes measures necessary for ascertaining the implementation status of the recycling business.

(Standard for the Zone)

Article 5 The standard for the zone specified by order of the competent ministry set forth in Article 10, paragraph (3), item (ii) of the Act is to be that the zone set forth in paragraph (2), item (iv) of the same Article consists of the entirety of any of the following zones (for the zone set forth in item (iii), limited to the zone with a population density less than 1,000 people per square kilometer):

- (i) Hokkaido, Hokkaido and Aomori Prefecture, or Hokkaido, Aomori Prefecture and Akita Prefecture or Iwate Prefecture;
- (ii) Okinawa Prefecture, Okinawa Prefecture and Kagoshima Prefecture, or Okinawa Prefecture, Kagoshima Prefecture and Kumamoto Prefecture or Miyazaki Prefecture;
- (iii) three or more neighboring prefectures (excluding Okinawa Prefecture).

(Standards Specified by Order of the Competent Ministry Set forth in Article 10, Paragraph (3), Item (iii) of the Act)

Article 6 The standards specified by order of the competent ministry set forth in Article 10, paragraph (3), item (iii) of the Act are as follows:

- (i) standards concerning the competence of the applicant and the persons prescribed in Article 10, paragraph (2), item (vi) of the Act:
 - (a) the person has knowledge and skills sufficient for properly conducting the recycling business;
 - (b) the person has a financial basis sufficient for properly and continuously conducting the recycling business;
- (ii) standards for facilities to be used for the collection or transportation of small waste electrical and electronic equipment:
 - (a) the facilities have transportation vehicles, ships, containers and other equipment that are free from the risk of dispersion and outflow of small waste electrical and electronic equipment and escape of bad odor;
 - (b) when there is a transshipment facility, necessary measures are taken at the facility to prevent dispersion, outflow and underground seepage of small waste electrical and electronic equipment and escape of bad odor;
- (iii) standards for facilities to be used for the disposal of small waste electrical and electronic equipment:
 - (a) the facilities are suited to the recycling, etc. of the resources set forth in Article 4, item (iv), (a) through (p) or otherwise suited to the disposal of small waste electrical and electronic equipment;
 - (b) the facilities can be operated stably and maintained and managed properly;
 - (c) when the facilities fall under the category of municipal solid waste disposal facilities prescribed in Article 8, paragraph (1) of the Waste Management Act or industrial waste disposal facilities prescribed in Article 15, paragraph (1) of the same Act, the permission under Article 8, paragraph (1) of the same Act or Article 15, paragraph (1) of the same Act (when the permission under Article 9, paragraph (1) or Article 15-2-6, paragraph (1) of the same Act is required, the permission under these provisions) has been obtained for the facilities;
 - (d) when there is a storage facility, necessary measures are taken at the facility to prevent dispersion, outflow and underground seepage of small waste electrical and electronic equipment and escape of bad odor;
 - (e) the facilities are those for which necessary measures are taken to prevent the leakage of personal information recorded in mobile phone terminals, PHS terminals and personal computers.

(Certificate of Approval)

Article 7 When the competent minister has granted an approval under Article 10, paragraph (3) of the Act, has approved an alteration under Article 11, paragraph (1) of the Act, or has received a notification of an alteration under paragraph (2) or paragraph (3) of the same Article, the minister is to issue a certificate of approval stating the following matters:

- (i) the name and address of the approved business, and in the case of a juridical person, the name of its representative;
- (ii) the date of granting the approval and the approval number;
- (iii) the zone where small waste electrical and electronic equipment is to be collected;
- (iv) the locations of the facilities to be used for the disposal of small waste electrical and electronic equipment;
- (v) the names and addresses of the persons prescribed in Article 10, paragraph (2), item (vi) of the Act, and in the case of a juridical person, the name of its representative, and which among the activities of collection, transportation or disposal the relevant persons carry out.

(Indication)

Article 8 When an approved business, etc. carries out the collection or transportation of small waste electrical and electronic equipment pertaining to that approval, by the use of a transportation vehicle, the business is to indicate the following matters on the transportation vehicle in a manner clearly visible from the outside:

- (i) the fact that the transportation vehicle is used for the collection or transportation of small waste electrical and electronic equipment pertaining to that approval;
- (ii) the approval number;
- (iii) the name of the person who carries out that collection or transportation.

(2) When an approved business, etc. carries out the collection or transportation of small waste electrical and electronic equipment pertaining to that approval, by the use of a transportation vehicle, the business is to keep a document or an electronic or magnetic record (meaning a record created in an electronic form, magnetic form or any other form that cannot be recognized by human senses, which is provided for use in information processing by computers, and limited to the case where that electronic or magnetic record can be immediately displayed using a computer or other equipment when necessary) that states the following matters in the transportation vehicle:

- (i) the fact that the person who carries out that collection or transportation is the person prescribed in Article 10, paragraph (2), item (vi) of the Act who is stated in the approved plan;
- (ii) the name, location and contact information of the workplace, which is the transportation destination.

(Application for Approval of Alteration)

Article 9 An approved business intending to obtain an approval regarding an alteration set forth in Article 11, paragraph (1) of the Act must submit a written application stating the following matters to the competent minister. In this case, when that alteration accompanies alteration(s) in any of the documents set forth in the items of Article 2, the relevant document(s) after that alteration must be attached to the written application:

- (i) the name and address of the business, and in the case of a juridical person, the name of its representative;
- (ii) the date of obtaining the approval and the approval number;
- (iii) the details of the alteration;
- (iv) grounds for the alteration;
- (v) the scheduled date to commence the disposal after the alteration.

(Minor Alterations for which Approval is not Required)

Article 10 The minor alterations specified by order of the competent ministry set forth in the proviso to Article 11, paragraph (1) of the Act are as follows:

- (i) the following alterations pertaining to the persons prescribed in Article 10, paragraph (2), item (vi) of the Act:
 - (a) an alteration of the name;
 - (b) an alteration of the person who carries out the collection or transportation of small waste electrical and electronic equipment without any accompanying alteration in the scope of the duties to be entrusted and the scope of the entrusting party's responsibility;
- (ii) an alteration of the facilities set forth in Article 10, paragraph (2), item (vii) of the Act;
- (iii) an alteration of the facilities set forth in Article 10, paragraph (2), item (viii) of the Act (limited to an alteration pertaining to a storage facility).

(Notification of a Minor Alteration)

Article 11 The notification set forth in Article 11, paragraph (2) of the Act is to be filed by submitting a written notification stating the following matters to the competent minister by 10 days prior to the alteration. In this case, when that alteration accompanies alteration(s) in any of the documents set forth in the items of Article 2, the relevant document(s) after that alteration must be attached to the written notification:

- (i) the name and address of the business, and in the case of a juridical person, the name of its representative;
- (ii) the date of obtaining the approval and the approval number;
- (iii) the details of the alteration;
- (iv) grounds for the alteration;
- (v) the scheduled date to commence the disposal after the alteration.

(Notification of an Alteration of Name)

Article 12 The notification set forth in Article 11, paragraph (3) of the Act is to be filed by submitting a written notification stating the following matters to the competent minister within 30 days after the date of that alteration. In this case, when that alteration accompanies alteration(s) in any of the documents set forth in the items of Article 2, the relevant document(s) after that alteration must be attached to the written notification:

- (i) the name and address of the business, and in the case of a juridical person, the name of its representative;
- (ii) the date of obtaining the approval and the approval number;
- (iii) the details of the alteration;
- (iv) grounds for the alteration;
- (v) the date of the alteration.

(Notification of Discontinuation)

Article 13 When an approved business has discontinued the recycling business pertaining to that approval, the business must notify the competent minister of that fact promptly.

(Reasonable Grounds on which the Approved Business may Refuse the Collection of Small Waste Electrical and Electronic Equipment)

Article 14 The reasonable grounds specified by order of the competent ministry set forth in Article 12 of the Act are as follows:

- (i) it is difficult to collect small waste electrical and electronic equipment due to a natural disaster or other unavoidable grounds;
- (ii) the collection of the relevant small waste electrical and electronic equipment will hinder proper storage of small waste electrical and electronic equipment that the relevant approved business carries out;
- (iii) the terms for the collection of the relevant small waste electrical and electronic equipment are considerably different from ordinary transaction terms regarding small waste electrical and electronic equipment;
- (iv) the collection of the relevant small waste electrical and electronic equipment violates the provisions of laws and regulations or the public policy.

(Report)

Article 15 By June 30 every year, an approved business must submit a report stating the following matters with regard to the implementation status of the recycling business pertaining to that approval for the period of one year prior to March 31 of the relevant year to the competent minister:

- (i) the name and address of the business, and in the case of a juridical person, the name of its representative;
- (ii) the date of obtaining the approval and the approval number;
- (iii) the following quantity or weight:
 - (a) the quantity of small waste electrical and electronic equipment that the business accepted during the relevant one year;
 - (b) the quantity of mobile phone terminals, PHS terminals and personal computers that the business collected during the relevant one year;
 - (c) the quantity of sealed batteries etc. and the weight of fluorocarbons that the business recovered during the relevant one year;
 - (d) the weight of the resources that the business obtained through the recycling, etc. of small waste electrical and electronic equipment during the relevant one year by type of resources;
 - (e) when the business reused small waste electrical and electronic equipment, the quantity of the reused small waste electrical and electronic equipment by type of the whole small waste electrical and electronic equipment or parts thereof.

(Delegation of Authority)

Article 16 The authority of the Minister of the Environment under Article 16 and Article 17, paragraph (1) of the Act is to be delegated to the director of the Regional Environment Office who has jurisdiction over the location of the office, factory, workplace, or warehouse of an approved business, etc.; provided, however, that this does not preclude the Minister of the Environment from personally exercising that authority.

(2) The authority of the Minister of Economy, Trade and Industry under Article 16 and Article 17, paragraph (1) of the Act is to be delegated to the director of the Regional Bureau of Economy, Trade and Industry who has jurisdiction over the location of the office, factory, workplace, or warehouse of an approved business, etc.; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising that authority him/herself.

(Identification Card)

Article 17 The form of the identification card set forth in Article 17, paragraph (2) of the Act is to be as shown in the appended form.

Supplementary Provisions

This Ministerial Order comes into effect as of April 1, 2013.

Supplementary Provisions

This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Act for Securing, etc. the Implementation of Recovery and Destruction of Fluorocarbons Contained in Specified Products comes into effect.

Appended Form