

# Environmental Impact Assessment Law

(Tentative Translation)

Law No. 81 of 1997

## Chapter I General Provisions

### Article 1

(Purpose)

Because it is extremely important, in terms of protecting the environment, for a corporation that is undertaking a project that changes the shape of the terrain or that involves the construction of a new structure, or that is engaging in other similar activities, to conduct an environmental impact assessment in advance of such a project, the purposes of this law are to ensure that proper consideration is given to environmental protection issues relating to such a project and, ultimately, to ensure that present and future generations of this nation's people enjoy healthy and culturally rewarding lives. In order to achieve these purposes, this law sets forth procedures and contains other provisions designed to clearly define the responsibilities of the government regarding environmental impact assessments and to ensure that such assessments are conducted properly and smoothly with respect to large-scale projects that could have a serious impact on the environment, and prescribes measures to reflect the results of such environmental impact assessments in implementing such projects and in determining the content of such projects.

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### Article 2

(Definitions)

1. In this law, "environmental impact assessment" shall mean the process of (a) surveying, predicting, and assessing the likely impact that a project (hereinafter meaning changes in the shape of the terrain [including dredging being conducted simultaneously], and the establishing, modifying, and expanding of a structure for specific purposes), will have on various aspects of the environment (if the purpose of the project includes business activities and other human activities on the project land or within a project structure after the implementation of a project, the impact of such activities is included) (hereinafter referred to simply as "environmental impact"); (b) studying possible environmental protection measures relating to the project; and (c) assessing the likely overall environmental impact of such measures.

2. In this law, "Class-1 Project" shall mean a large-scale project (in this and the following paragraph, scale shall mean the measurable aspects of a project, such as the land area to be altered and the size of any structure(s) to be built)

that is designated by government ordinance as likely to have a serious impact on the environment and that is one of the following:

- (1) A project in any of the following categories:
  - (a) A project to construct or reconstruct a national expressway, a national road, or another type of road prescribed in Article 2, Paragraph 1 of the Road Law (Law No. 180 of 1947), or any other type of road;
  - (b) A project to construct a dam across a river, as prescribed in Article 3, Paragraph 1 of the River Law (Law No. 167 of 1964), to construct or reconstruct a dam (hereinafter in this Item referred to as "a new-dam construction project"), or to construct or reconstruct river waterworks prescribed in Article 8 of the same law, provided that such a waterworks project is not a new-dam construction project;
  - (c) A project to construct or improve a railway as prescribed in the Railway Enterprise Law (Law No. 92 of 1986) or railway tracks as prescribed in the Railway Tracks Law (Law No. 76 of 1921);
  - (d) A project to construct or modify an airport or airport facility prescribed in Article 2, Paragraph 1 of the Airport Construction Law (Law No. 80 of 1956);
  - (e) A project to construct or modify a power generating structure to supply electricity to corporate entities, as prescribed in Article 38 of the Electricity Enterprises Law (Law No. 170 of 1964);
  - (f) A project to construct, modify, or expand a final domestic-waste disposal site as prescribed in Article 8, Paragraph 1 of the Waste Management and Public Cleansing Law (Law No. 137 of 1970) or a final industrial-waste disposal site as prescribed in Article 15, Paragraph 1 of the same law;
  - (g) A project to reclaim or dump public waters as prescribed in the Public Waters Reclamation Law (Law No. 57 of 1921) or to reclaim or dump other waters;
  - (h) A land readjustment project as prescribed in Article 2, Paragraph 1 of the Land Readjustment Law (Law 119 of 1954);
  - (i) A project to develop a new urban residential area as prescribed in Article 2, Paragraph 1 of the New Urban Residential Area Development Law (Law No. 134 of 1963);
  - (j) A project to construct an industrial estate as prescribed

in Article 2, Paragraph 6 of the Law Concerning the Development of Suburban Development and Redevelopment Areas and Urban Development Areas in the National Capital Region (Law No. 98 of 1958) or in Article 2, Paragraph 4 of the Law Concerning Development of Suburban Development and Redevelopment Areas and Urban Development Areas in the Kinki Region (Law No. 145 of 1964);

- (k) A project to develop a new urban infrastructure prescribed in Article 2, Paragraph 1 of the New Urban Infrastructure Development Law (Law No. 86 of 1972);
- (l) A project to construct a distribution-business center as prescribed in Article 2, Paragraph 2 of the Law Concerning Construction of Distribution Business Centers (Law No. 110 of 1966);
- (m) In addition to those enumerated in (a) through (l) above, a project designated by government ordinance as having an environmental impact over a broad area and as requiring an environment impact assessment as much as the projects listed in (a) through (l) require such assessment.

(2) A project in any of the following categories:

- (a) A project (other than those in (e) below) whose implementation is subject to license, special permit, permission, authorization, approval, or reporting in accordance with the provisions of laws that are designated by government ordinance (in the case of reporting, limited only to projects subject to specific legal provisions authorizing a recommendation or order to amend a report within a specified time following the filing of the report; this limitation also applies to (e) below).
- (b) A project (other than those listed in (a) above) that is eligible for a government subsidy (hereinafter meaning a subsidy prescribed in Article 2, Paragraph 1, Item 1 of the Law on Optimizing Implementation of Budgets Relating to Subsidies, etc. (Law No. 179 of 1955) and the amount borne by the national government as prescribed in Item 2 of the same paragraph).
- (c) A project implemented by a corporation established by a special law (but limited to projects in which the national government has invested), except those projects referred to in (a) and (b) above.
- (d) A project implemented by the national government

(except those projects referred to in (a) above and (e) below).

- (e) A project of the national government, the implementation of which is subject to license, special permit, permission, authorization, approval, or reporting in accordance with the provisions of laws that are designated by government ordinance.

3. In this law, "Class-2 Project" shall mean a project that (a) meets the requirements of one of Items (a) through (e) of the preceding Paragraph 2 (2); (b) is on a scale commensurate with that of a Class-1 Project (but limited to projects whose scale is above the threshold level of a Class-1 Project as determined by government ordinance); and (c) for which a determination as to whether it will have a serious impact on the environment (hereinafter referred to simply as "determination") must be made by a person or persons as prescribed in the Items (1) through (5) of Article 4, Paragraph 1 below, in accordance with the provisions of that Article 4.

4. In this law, "relevant project" shall mean a Class-1 or Class-2 Project for which action has been taken pursuant to Article 4, Paragraph 3, Item (1) below (including application mutatis mutandis of the provisions of Article 39, Paragraph 2, except for projects for which action is taken pursuant to Article 4, Paragraph 3, Item (2) below in accordance with Article 4, Paragraph 4 below [including application mutatis mutandis of the provisions of Article 39, Paragraph 2 below] and Article 29, Paragraph 2 [including application mutatis mutandis of the provisions of Article 40, Paragraph 2 below]).

5. In this law (except in this Chapter), "proponent" shall mean a person seeking to implement a relevant project (in the case of a relevant project implemented by the national government, the head of the administrative organization implementing the relevant project [including local sub-branches]) or, in the case of a consigned relevant project, the person seeking to consign the project).

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Article 3  
(Responsibilities of the  
National Government and  
Other Parties)

Fully recognizing that it is important for an environmental impact assessment to be conducted before a project is implemented, the national government, local governments, proponents, and citizens shall endeavor from their respective positions to ensure that such an environmental impact assessment is conducted properly and smoothly, and that other procedures stipulated in this law are properly and

smoothly followed, in order to avoid or to reduce as much as possible the environmental burdens resulting from the project, and in order to assist in giving proper consideration to the protection of the environment in regard to the implementation of the project.

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## Chapter Procedures Prior to Preparing a Draft Environmental Impact II Statement

### Section 1. Determinations regarding a Class-2 Project

#### Article 4

1. A person seeking to implement a Class-2 Project (in case of a project implemented by the national government, hereinafter the head of the administrative organization implementing the project [including local sub-branches], or, the in case of a consigned project, hereinafter the person seeking to consign the project), shall prepare a written report, according to the classification of the Class-2 Project hereunder, that shall contain the following information: the name and address of that person (in the case of a corporation, its name, the name of its representative, and the address of its head office), the type and scale of the Class-2 Project, the locality where the Class-2 Project will be implemented, and other general information concerning the Class-2 Project (all of the above information to be referred to hereinafter in this paragraph as "name, etc."). Such written report shall be submitted to the person(s) responsible for the particular type of project, in terms of the categories listed below, pursuant to regulations issued by competent ministries and agencies in accordance with the types of project referred to in (a) through (m) of Article 2 Paragraph 2, Item (1) above. If the proponent of a Class-2 Project referred to in Article 4, Paragraph 1, Item (4) or (5) is the competent cabinet minister as stipulated in said Item (4) or (5), that minister shall prepare a document stating the name, etc. in lieu of reporting to the competent cabinet minister.

- (1) A Class-2 Project that falls under Article 2, Paragraph 2, Item (2) (a): to the person who issues the license, special permit, permission, authorization or approval (hereinafter referred to as license or other required approval"), as referred to in that same Item 2 (a), and who receives a report as described in that same Item (2) (a) (hereinafter referred to as a "designated report").
- (2) A Class-2 Project that falls under Article 2, Paragraph 2, Item (2) (b): to the person who is authorized to decide whether to grant a national government subsidy as described in the provisions of that same Item (2) (b) (hereinafter referred to as "grant decision-maker").
- (3) A Class-2 Project that falls under Article 2, Paragraph 2, Item (2) (c): to the person who supervises the relevant

project, as referred to in that same Item (2) (c), for the corporation in accordance with the provisions of the law referred to in that same Item (2) (c) (hereinafter referred to as "corporate supervisor").

- (4) A Class-2 Project that falls under Article 2, Paragraph 2, Item (2) (d): to the responsible minister who has control over the clerical work relating to implementation of that project.
- (5) A Class-2 Project that falls under Article 2, Paragraph 2, Item (2) (e): to the responsible minister who has control over the clerical work relating to implementation of that project, and to the person who issues the license, special permit, permission, authorization or approval, or to the person who receives a report as described in that same Item (2) (e).

2. The person(s) identified in Items (1) through (5) of the immediately preceding Paragraph 1 shall send a copy of the report prepared thereunder (including documents provided for in the latter half of the same Paragraph 1; hereinafter in this Article and in Article 29, Paragraph 1 referred to as "report(s)") to the prefectural governor(s) who has/have jurisdiction over the area in which the Class-2 Project will be undertaken, and shall ask the governor(s) to submit, after taking a minimum of 30 days to give consideration to the matter, his or her opinions, and the reasons therefor, as to whether an environmental impact assessment is necessary and whether other procedures must be followed pursuant to this law (excluding this Article).

3. The person(s) identified in each of the Items of Paragraph 1 of this Article, after giving due consideration to the opinions of the prefectural governor(s), submitted as prescribed in the immediately preceding Paragraph 2, shall prepare a determination concerning the Class-2 Project within 60 days of the receipt of such report, pursuant to ministerial regulations applicable to the various types of projects referred to in Article 2, Paragraph 2 Items (1) (a) through (m); and, if the degree of environmental impact is determined likely to be serious, the aforementioned person(s) shall take action pursuant to the following Item (1) ; if the degree of environmental impact is determined likely not to be serious, they shall take action pursuant to the following Item (2).

- (1) Notify in writing the person(s) who filed the report(s) and the prefectural governor(s) referred to in the preceding Paragraph 2 (regarding the latter half of Paragraph 1, the prefectural governor(s) referred to in the preceding Paragraph 2) that an environmental impact assessment is necessary and/or that other procedures must be followed

pursuant to the provisions of this law (except this Article), setting forth the reasons for such opinion.

- (2) To notify in writing the person(s) who filed the report(s) and the prefectural governor(s) referred to in the preceding Paragraph (regarding the latter half of Paragraph 1, the prefectural governor(s) referred to in the preceding Paragraph) that an environmental impact assessment is not necessary and that other procedures pursuant to the provisions of this law (except this Article) need not be followed, setting forth the reasons for such opinion.

4. If the person(s) who has/have filed report(s) and has/have received the notification described in the preceding Paragraph 3, Item (1) seeks to change the scale of the said Class-2 Project or the area in which it will be implemented, and if after such change the project falls within the definition of a Class-2 Project, said person(s) may file a report concerning the project after such change. In such a case, the provisions of the preceding two paragraphs shall be applied *mutatis mutandis* to the new report.

5. A person seeking to implement a Class-2 Project (other than a relevant project) may not implement said Class-2 Project until action is taken pursuant to Paragraph 3, Item (2) (including application *mutatis mutandis* of the immediately preceding Paragraph 4 and of Article 29, Paragraph 2); or, if there are two or more persons referred to in Items (1) through (5) of Paragraph 1 of this Article 4, relating to said Class-2 Project, then the project may not be implemented until the required action is taken with regard to all persons referred to in said Items (1) through (5).

6. The provisions of Paragraph 1 of this Article notwithstanding, a person seeking to implement a Class-2 Project may conduct, without receiving a determination, an environmental impact assessment and may follow other procedures pursuant to the provisions of this law (except this Article). In such a case, if the person seeking to implement such a Class-2 Project is not the competent cabinet minister as designated in Item (4) or (5) of the same Paragraph 1, that person shall notify the person(s) referred to in the Items of the same Paragraph 1 that he or she will conduct an environmental impact assessment and will follow other procedures in accordance with the provisions of this law (except this Article); and if that person is the competent cabinet minister, he or she shall prepare a document to that effect.

7. A person receiving notification or preparing a document pursuant to the immediately preceding Paragraph 6 shall send a copy of the notification or the document, as the case may be, to the prefectural governor(s) who has/have jurisdiction over the area in which will be

implemented the Class-2 Project relating to that notification or document.

8. With regard to the Class-2 Project relating to the notification or preparation of a document as stipulated in Paragraph 6 above, measures shall be deemed to have been taken pursuant to Paragraph 3, Item (1) at the time of preparation of the said notification or document.

9. In order to ensure that a proper determination is made concerning the type and scale of a Class-2 Project and the environmental conditions of the area and vicinity in which the Class-2 Project will be implemented, the competent cabinet minister (if the competent cabinet minister is the head of an agency within the Prime Minister's Office, then the Prime Minister) shall consult with the director-general of the Environment Agency and shall prepare a ministerial regulation setting forth the standards to be used in making the determination.

10. The director-general of the Environment Agency, in consultation with the heads of relevant administrative organizations, shall establish and publish basic guidelines relating to the standards to be applied by the competent cabinet minister (if the competent cabinet minister is the head of an agency within the Prime Minister's Office, then the Prime Minister) pursuant to the preceding Paragraph.



## Chapter Procedures Prior to Preparing a Draft Environmental Impact II Statement

### Section 2. Preparation of a Scoping Document, etc.

#### Article 5

(Preparation of a Scoping Document)

1. The proponent shall prepare a scoping document concerning the environmental impact assessment (hereinafter referred to as a "scoping document"). Said scoping document shall present information concerning the items listed below regarding the scope of the environmental impact assessment (limited to those items relating to survey, prediction, and assessment activities) relating to the relevant project, pursuant to ministerial regulations regarding the various types of projects referred to in Article 2, Paragraph 2, Items (1) (a) through (m):

- (1) The name and address of the proponent (in the case of a corporation, its name, the name of its representative, and the address of its head office);
- (2) The purpose and content of the relevant project;
- (3) The general conditions of the area in which the relevant project will be implemented (hereinafter referred to as the "relevant project implementation area") and its vicinity; and
- (4) The items to be considered in an environmental impact assessment of the relevant project, and the survey, prediction, and assessment methods to be utilized (if such methods have not yet been determined, then the items to be considered in the environmental impact assessment of the relevant project).

2. If a proponent seeks to implement two or more relevant projects that are related to each other, the proponent of those relevant projects may prepare one scoping document covering all the projects.

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#### Article 6

(Submission of Scoping Document; Other Procedures relating to a Scoping Document)

1. After preparing a scoping document, the proponent, pursuant to the ministerial regulations applicable to the various types of projects referred to in Article 2, Paragraph 2, Items (1) (a) through (m), shall submit the scoping document to the prefectural governor(s) and to the mayors of the cities (hereinafter including the heads of the Tokyo metropolitan wards), towns, and villages having jurisdiction over the area deemed likely to be environmentally impacted

by the relevant project.

2. In order to ensure that the area referred to in the preceding paragraph is appropriate in scope for seeking opinions, from the standpoint of protecting the environment, regarding the environmental impact assessment of the relevant project, the competent cabinet minister (if the competent cabinet minister is the head of an agency within the Prime Minister's Office, then the Prime Minister) shall consult with the director-general of the Environment Agency and shall prepare ministerial regulations setting forth standards to ensure that such scope is appropriate.

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Article 7

(Making a Scoping Document Public and Available for Public Inspection)

For the purpose of inviting comments, from the standpoint of protecting the environment, regarding both the items to be considered in an environmental impact assessment and the survey, prediction, and assessment methods to be utilized, the proponent, upon preparing the scoping document, shall make public, pursuant to a regulation to be adopted by the Prime Minister's Office, the fact that a scoping document has been prepared, and shall make the scoping document available for public review in the area referred to in Paragraph 1 of the preceding Article 7 for one month from the date on which the scoping document is made known to the public.

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Article 8

(Submission of Comments regarding a Scoping Document)

1. A person who has comments, from the standpoint of protecting the environment, regarding a scoping document may submit such comments to the proponent during a period that shall commence on the date that the document becomes known to the public and that shall end two weeks after the day following the termination of the period during which the statement is to be available for public review.

2. The content of and procedures to be followed in submitting comments as referred to in the preceding Paragraph 1 shall be determined by a regulation adopted by the Prime Minister's Office.

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Article 9

(Submission of an Outline of Comments regarding a Scoping Document)

After termination of the period referred to in Paragraph 1 of the preceding Article 8, the proponent shall submit to the prefectural governor(s) having jurisdiction over the area stipulated in Article 6, Paragraph 1 and to the mayors of the cities, towns and villages having jurisdiction over said area, a document outlining the comments submitted pursuant to the provisions of Paragraph 1 of the preceding Article 8.

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Article 10

(Comments of Prefectural  
Governors and Other  
Officials with regard to a  
Scoping Document)

1. Upon receiving the document referred to in the preceding Article 9, the prefectural governor(s) referred to in that same Article shall send to the proponent written comments, from the standpoint of protecting the environment, regarding the scoping document, within a time period to be established by government ordinance.

2. While abiding by the provisions of the preceding Paragraph 1, the prefectural governor(s) shall seek comments, from the standpoint of protecting the environment, from the mayors of the cities, towns, and villages referred to in the preceding Article 9, regarding the scoping document and shall set a deadline by which time such comments must be received by the prefectural governor(s).

3. While abiding by the provisions of Paragraph 1, the prefectural governor(s) shall take into consideration the comments submitted by the aforementioned mayors of the cities, towns, and villages pursuant to the preceding Paragraph 2, as well as the comments outlined in the documents referred to in the preceding Article 9.

## Chapter II Procedures Prior to Preparing a Draft Environmental Impact Statement

### Section 3. Conducting an Environmental Impact Assessment, etc.

#### Article 11

(Selection of Items to be Considered in an Environmental Impact Assessment)

1. The proponent shall give due consideration to comments expressed pursuant to Paragraph 1 of the preceding Article 10, shall take into consideration comments expressed pursuant to Article 8, Paragraph 1 in reviewing matters listed in Article 5, Paragraph 1, Item (4), and shall select both the items to be considered in an environmental impact assessment relating to the relevant project and the survey, prediction, and assessment methods to be utilized, pursuant to ministerial regulations applicable to the various types of projects referred to in Article 2, Paragraph 2, Items (1) (a) through (m).

2. When deemed necessary for making selections pursuant to the provisions of the preceding Paragraph 1, the proponent may submit a document to the competent cabinet minister expressing the proponents desire to receive documents that provide technical advice.

3. With a view to ensuring the matters set forth in the Items under Article 14 of the Environment Basic Law (Law No. 91 of 1993), the ministerial regulations referred to in Paragraph 1 shall be adopted by the competent cabinet minister (if the competent cabinet minister is the head of an agency within the Prime Minister's Office, then the Prime Minister) in consultation with the director-general of the Environment Agency, in order to establish guidelines for selecting, on the basis of already acquired scientific knowledge, both the items that are regarded as necessary to be considered in an environmental impact assessment in order to properly conduct an environmental impact assessment relating to the relevant project, and the methods for reasonably conducting survey, prediction, and assessment activities.

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#### Article 12

(Conducting an Environmental Impact Assessment)

1. On the basis of the items and methods selected pursuant to the provisions of Paragraph 1 of the preceding Article 11, the proponent shall conduct an environmental impact assessment relating to the relevant project in accordance with the ministerial regulations applicable to the various types of projects referred to in Article 2, Paragraph 2, Items (1) (a) through (m).

2. The provisions of Paragraph 3 of the preceding Article 11 shall apply mutatis mutandis to the ministerial regulations referred to in the preceding Paragraph 1. In such a case, the wording "guidelines for selecting, on the basis of already acquired scientific knowledge, both the items that are regarded as necessary to be considered in an environmental impact assessment in order to properly conduct an environmental impact assessment relating to the relevant project, and the methods for reasonably conducting survey, prediction, and assessment activities shall be construed to mean "guidelines concerning measures to protect the environment."

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Article 13

(Publication of Basic Guidelines)

In consultation with the heads of relevant administrative organizations, the director-general of the Environment Agency shall adopt and publish basic guidelines relating to the guidelines that are to be established by the competent cabinet minister (if the competent cabinet minister is the head of an agency within the Prime Minister's Office, then the Prime Minister) pursuant to the provisions of Article 11, Paragraph 3 (including application mutatis mutandis of Paragraph 2 of the preceding Article).

## Chapter III Draft Environmental Impact Statements

### Article 14

#### (Preparation of a Draft Environmental Impact Statement)

1. After conducting an environmental impact assessment relating to the relevant project pursuant to the provisions of Article 12 Paragraph 1, the proponent, in preparation for hearing comments, from the standpoint of protecting the environment, regarding the results of the environmental impact assessment, shall prepare a draft environmental impact statement (hereinafter referred to as a "draft EIS") that shall deal with the following matters, in accordance with the ministerial regulations applicable to the various types of projects referred to in Article 2, Paragraph 2, Items (1) (a) through (m):

- (1) Matters listed in Article 5, Paragraph 1, Items (1) through (3);
- (2) An outline of the comments referred to in Article 8, Paragraph 1;
- (3) Comments of the prefectural governor(s), as referred to in Article 10, Paragraph 1;
- (4) Views of the proponent regarding the comments referred to in the preceding two items (2) and (3);
- (5) Items to be considered in an environmental impact assessment and the survey, prediction, and assessment methods to be utilized;
- (6) Contents of the technical advice received, if any, referred to in Article 11 Paragraph 2;
- (7) The following results of the environmental impact assessment:
  - (a) An outline of the results of surveys, predictions, and assessments as classified according to the items to be included in the environmental impact assessment (including those items regarding which the nature and extent of the environmental impact did not become clear even though an environmental impact assessment was conducted);
  - (b) Measures for protecting the environment (including details regarding how such measures were developed);
  - (c) Measures for determining the current conditions of the environment, if the measures referred to in (b) are meant to cope with environmental conditions that become known in the future;
  - (d) An overall assessment of the likely environmental impact of the relevant project; and
- (8) If the environmental impact assessment has been

consigned in whole or in part to another person, the name and address of that person (if that person is a corporation, then, its name, the name of its representative, and the address of its head office).

2. The provisions of Article 5, Paragraph 2 shall apply mutatis mutandis to the preparation of the draft EIS.

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Article 15

(Submission of a Draft EIS)

After preparing a draft EIS, the proponent shall submit the draft EIS and a document summarizing it (referred to as "summary in the following Articles 16 and 17) to: (1) the prefectural governor(s) having jurisdiction over the area recognized as likely to be environmentally impacted by the relevant project, as determined by the ministerial regulations referred to in Article 6, Paragraph 1 (such prefectural governor(s) hereinafter referred to as "related governor(s)"; such area, hereinafter referred to as "related area," includes such area as is recognized to be added to the area on the basis of comments submitted pursuant to Article 8, Paragraph 1 and Article 10, Paragraph 1, and also on the basis of the results of the environmental impact assessment conducted pursuant to Article 12, Paragraph 1); and to (2) the mayors of the cities, towns, and villages having jurisdiction over the related area (hereinafter referred to as "related mayors").

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Article 16

(Making a Draft EIS Public and Available for Public Inspection)

After submitting the materials pursuant to the preceding Article 16, the proponent, for the purpose of acquiring comments, from the standpoint of protecting the environment, regarding the results of the environmental impact assessment relating to the draft EIS in accordance with the provisions of a regulation to be adopted by the Prime Ministers Office, shall publicly announce that the draft EIS and other items have been prepared in accordance with said regulation of the Prime Minister's Office, and shall make the draft EIS and the summary available for public review in the related area for one month from the date of the aforementioned public announcement.

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Article 17

(Explanatory Meetings, etc.)

1. In accordance with the provisions of a regulation to be adopted by the Prime Minister's Office, the proponent shall hold explanatory meetings to make the public aware of the contents of the draft EIS (hereinafter referred to as "explanatory meetings") in the related area during the period of public review. If within the related area there is no

appropriate place at which to hold such explanatory meetings, the meetings may be held outside the related area.

2. The proponent shall determine the date, time, and place of the explanatory meetings and shall publicly announce them at least one week before the date on which a meeting is scheduled to be held, in accordance with the provisions of a regulation to be adopted by the Prime Minister's Office.

3. In determining the date, time, and place of an explanatory meeting, the proponent may seek the opinion(s) of the related governor(s).

4. If the proponent cannot hold an explanatory meeting that has been publicly announced pursuant to Paragraph 2, for reasons that are not attributable to the proponent and are provided for in a regulation to be adopted by the Prime Minister's Office, the proponent shall not be obligated to hold that explanatory meeting. In such a case, however, the proponent, pursuant to provisions of a regulation to be adopted by the Prime Minister's Office, shall endeavor to make the public aware of the contents of the draft EIS, through such means as publicly presenting a summary during the period of public review.

5. The content of and procedures to be followed in holding an explanatory meeting, other than those stipulated in the preceding Paragraphs, shall be determined by a regulation to be adopted by the Prime Minister's Office.

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Article 18

(Submission of  
Comments regarding a  
Draft EIS)

1. Anyone who has comments, from the standpoint of protecting the environment, regarding a draft EIS may express such comments by submitting a document to the proponent during a period that shall commence on the date of the public announcement referred to in Article 16 and that shall end two weeks after the day following the expiration of the period of public review referred to in that same Article 16.

2. The content of and procedures to be followed in submitting comments as referred to in the preceding Paragraph shall be determined by a regulation to be adopted by the Prime Minister's Office.

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Article 19

(Submission of an Outline

After the end of the period referred to in Paragraph 1 of the preceding Article 18, the proponent shall submit to the related governor(s) and related mayors a document



of Comments, etc.  
regarding a Draft EIS)

containing both an outline of the comments received pursuant to the same Paragraph 1 and the proponent's views regarding such comments.

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Article 20

(Opinions of Related  
Governor(s) and Others  
regarding a Draft EIS)

1. After receiving a document referred to in the preceding Article 19, the related governor(s) shall express in writing their opinions, from the standpoint of protecting the environment, regarding the draft EIS within a period to be determined by government ordinance.

2. The provisions of Article 10, Paragraphs 2 and 3 shall apply mutatis mutandis to the expression of opinions by the related governor(s) regarding the draft EIS. In such a case, the wording "the mayors of the cities, towns and villages referred to in the preceding Article 9" in Paragraph 2 of the same Article 10 shall be construed to mean "the related mayors"; the wording "the preceding Paragraph" in Paragraph 3 shall be construed to mean "the preceding Paragraph as applied mutatis mutandis to Article 10, Paragraph 2"; and the wording "documents referred to in the preceding Article 9" in Paragraph 3 shall be construed to mean "both the comments presented in the document referred to in Article 19 and the proponents views regarding such comments."

## Chapter IV Environmental Impact Statements

### Section 1. Preparation of an Environmental Impact Statement, etc.

#### Article 21

(Preparation of an Environmental Impact Statement)

1. In reviewing the items dealt with in a draft EIS, the proponent shall consider any opinions that are expressed pursuant to Paragraph 1 of the preceding Article 20, and shall pay attention to comments referred to in Article 18, Paragraph 1. If the proponent considers it necessary to amend the aforementioned items (only insofar as the project after such amendment will be classified as a relevant project), the proponent shall take measures to amend each of the items in accordance with the classifications listed below:

- (1) Amending matters referred to in Article 5 Paragraph 1, Item (2) (except amendments stipulated by government ordinance, including reduction of the scale of the project, minor amendments as defined by government ordinance, and other amendments as defined by government ordinance): To conduct an environmental impact assessment and to follow other procedures as provided for in Articles 5 through 27.
- (2) Amending matters referred to in Article 5, Paragraph 1 Item (1), or in Article 14, Paragraph 1 Items (2) through (4) and Item (6), or in Article 8 (except those covered by the preceding Item): To conduct the environmental impact assessment and to follow other procedures as provided for in the following Paragraph 2 and in Articles 22 through 27.
- (3) Other than those specified in the two preceding Items (1) and (2): To conduct an environmental impact assessment with regard the aforementioned amended portions of the relevant project, pursuant to the provisions of ministerial regulations referred to in Article 11, Paragraph 1 and in Article 12, Paragraph 1.

2. Except in a case covered by Item (1) of the preceding Paragraph 1, the proponent shall prepare the environmental impact statement (hereinafter through Article 26 and in Articles 29 and 30 referred to as "EIS") in accordance with the ministerial regulations applicable to the various types of projects referred to in Article 2, Paragraph 2, Items (1) (a) through (m); the EIS shall incorporate matters relating to: (1) if an environmental impact assessment was conducted pursuant to the provisions of Item (3) of the same Paragraph

2, the results thereof and the results of environmental impact assessment conducted for preparing the draft EIS; or (2) if an environmental impact assessment was not conducted pursuant to the provisions of the same Item, the results of environmental impact assessment conducted for preparing the draft EIS.

- (1) Matters referred to in Items (1) through (8) in Article 14 Paragraph 1.
- (2) An outline of comments referred to in Article 18, Paragraph 1.
- (3) Opinions of the related governor(s), as referred to in Article 20, Paragraph 1.
- (4) The proponent's views regarding the comments and opinions referred to in the two preceding Items (2) and (3).

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Article 22

(Submission to Issuers of Licenses or Other Required Approvals, and to Other Persons)

1. After preparing an EIS, the proponent shall promptly deliver it to the persons designated in the following Items (1) through (6), according to the category of the EIS:
  - (1) An EIS relating to a relevant project classified under Article 2, Paragraph 2, Item (2) (a) (limited only to license(s) or other required approval): to the issuer(s) of the license (s) or other required approval(s).
  - (2) An EIS relating to a relevant project classified under Article 2, Paragraph 2, Item (2) (a) (limited only to designated reporting): to the recipient of the designated report.
  - (3) An EIS relating to a relevant project classified under Article 2, Paragraph 2, Item (2) (b): to the grant decision-maker.
  - (4) An EIS relating to a relevant project classified under Article 2, Paragraph 2, Item (2) (c): to the corporate supervisor.
  - (5) An EIS relating to a relevant project classified under Article 2, Paragraph 2, Item (2) (d): to the person specified in Article 4, Paragraph 1, Item (4).
  - (6) An EIS relating to a relevant project classified under Article 2, Paragraph 2, Item (2) (e): to the person specified in Article 4, Paragraph 1, Item (5).

2. If the person designated in the preceding Paragraph

(except for the director-general of the Environment Agency) is a person designated in either of the following Items (1) and (2), that person, after receiving the EIS, shall promptly take the measures specified in the following Items (1) and (2):

- (1) The Prime Minister or the minister of a ministry or a minister of state serving as the head of a committee or an agency (in the following Item and in Article 26, Paragraph 1 referred to as "Prime Minister or other minister"): to submit a copy of the aforementioned EIS to the director-general of the Environment Agency and to seek his or her opinions thereon.
- (2) The head of a committee or an agency (other than a minister of state) or the head of a local branch of the administrative organization of the national government: to seek the opinions of the director-general of the Environment Agency by submitting the aforementioned EIS to the director-general through the committee or the agency, or through the office or ministry of which the local branch is a part, or through the Prime Minister or other minister when such serves as the head of the committee or the agency.

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Article 23  
(Opinions of the Director-General of the Environment Agency)

When measures are taken pursuant to the provisions of Items (1) and (2) of Paragraph 2 of the preceding Article 22, the director-general of the Environment Agency may express, as necessary, and within a period to be determined by government ordinance, his or her opinions, from the standpoint of protecting the environment, regarding the EIS to the persons listed in those Items (1) and (2) of that Paragraph 2. In such a case, the opinions to be expressed to the person referred to in Item (2) of that Paragraph 2 shall be expressed via the Prime Minister and others as stipulated in that Item (2).

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Article 24  
(Opinions of the Issuers of Licenses or Other Required Approval(s), and of Those of Other Persons)

When receiving an EIS submitted pursuant to the provisions of Article 22, Paragraph 1, the persons listed in Items (1) through (6) of that Paragraph 1 may, as necessary, and within a period to be determined by government ordinance, express in writing to the proponent their opinions, from the standpoint of protecting the environment, regarding the EIS. In such a case, if the director-general of the Environment

Agency has expressed any opinions, such opinions must be taken into consideration by the said persons.

## Chapter IV Environmental Impact Statements

### Section 2. Supplementing an Environmental Impact Statement, etc.

#### Article 25

#### (Reviewing and Supplementing an EIS)

1. If opinions referred to in the preceding Article 24 are expressed, the proponent shall take them into consideration and shall review the matters dealt with in the EIS. If the proponent agrees that such matters need to be amended (only if after such amendment the project would remain a relevant project), the proponent shall take measures to amend each of the items according to the classifications listed below:

- (1) Amending matters listed in Article 5, Paragraph 1, Item (2) (except amendments stipulated by government ordinance, including reduction of the scale of the project and minor amendments as defined by government ordinance): to conduct an environmental impact assessment and to follow other procedures stipulated in Articles 5 through 27.
- (2) Amending matters listed in Article 5, Paragraph 1, Item (1), in Article 14, Paragraph 1, Items (2) through (4), (6) or (8), or in Article 21, Paragraph 2, Items (2) through (4) (except those covered by the preceding Item): to supplement the EIS as necessary.
- (3) Other than those listed in the two preceding Items (1) and (2): to conduct an environmental impact assessment in regard to those portions of the relevant project that are subject to the aforementioned amendment, pursuant to the provisions of ministerial regulations referred to in Article 11, Paragraph 1 and in Article 12, Paragraph 1.

2. When conducting an environmental impact assessment pursuant to the provisions of Item (3) of the preceding Paragraph, the proponent shall supplement the EIS pursuant to the ministerial regulations applicable to the various types of projects referred to in Article 2, Paragraph 2, Items (1) (a) through (m), on the basis of the aforementioned environmental impact assessment and the results of the environmental impact assessment conducted for preparing that EIS.

3. Except where Paragraph 1, Item (1) applies, the proponent shall submit an EIS as supplemented pursuant to the provisions of Item (1) of the same Paragraph and the preceding paragraph 2 of this Article 25 (if no supplement is deemed to be necessary, then a notice to that effect) to the persons listed in the items of Article 22, Paragraph 1 that correspond to the category of the EIS.

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Article 26

(Submission of an EIS to the Director-General of the Environment Agency and Other Parties)

1. If the person designated in any of the items in Article 22, Paragraph 1 (except for the director-general of the Environment Agency) is a person listed in the following items, that person, after receiving a submission or notice pursuant to the provisions of Paragraph 3 of the preceding Article 25, shall take action as indicated below:

- (1) The Prime Minister or other minister shall submit to the director-general of the Environment Agency a copy of the EIS as supplemented pursuant to the provisions of Paragraph 3 of the preceding Article 25, or shall inform the director-general of any notice received pursuant to the provisions of the same Paragraph 3.
- (2) The head of a committee or an agency (other than a minister of state) or the head of a local branch of an administrative organization of the national government shall: (a) submit to the director-general of the Environment Agency a copy of the EIS as supplemented pursuant to the provisions of Paragraph 3 of the preceding Article 25, through the committee or the agency, or through the office or ministry of which the local branch is a part, or through the Prime Minister or other minister when such serves as the head of the committee or the agency, or (b) to inform the director-general of the receipt of the notice pursuant to the provision of the same Paragraph 3.

2. When making a submission or notice pursuant to the provisions of Paragraph 3 of the preceding Article 25, the proponent shall promptly submit to the related governor(s) and related mayors the following: (a) the EIS (if the EIS is supplemented pursuant to the provisions of Paragraph 1, Item (2) or Paragraph 2 of the preceding Article 25, the EIS as so supplemented; this applies to the following Article 27 and Articles 33 through 38); (b) a document summarizing the same (referred to as "summary" in the following Article 27); and (c) the papers specified in Article 24.

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Article 27  (Making the EIS Public and Available for Public Review)	When making a submission or notice pursuant to the provisions of Article 25, Paragraph 3, the proponent, pursuant to a regulation to be adopted by the Prime Minister's Office, shall make public the fact that an EIS and other items stipulated in the regulation to be adopted by the Prime Minister's Office have been prepared, and, for a period of one month from the date of such publication, shall make available for public review in the related area the EIS, the summary, and the papers specified in Article 24.
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## Chapter V Amending a Relevant Project, etc.

Article 28  (Environmental Impact Assessment and Other Procedures When a Project Is Amended)	If a proponent seeks to amend information referred to in Article 5, Paragraph 1, Item (2) during the period between a public announcement made as required by Article 7 and a public announcement made as required by the preceding Article 27 (except when the provisions of Article 21, Paragraph 1 or of Article 25, Paragraph 1 are applied), and if the project will continue to be a relevant project after such amendment, the proponent shall conduct an environmental impact assessment and shall follow other procedures stipulated in Articles 5 through 27. This provision shall not apply, however, to: (a) said amendment if its purpose is to reduce the scale of the project; (b) minor amendments, as defined by government ordinance; or (c) other amendments specified by government ordinance.
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Article 29  (Determination relating to a Class-2 Project When a Project Is Amended)	<ol style="list-style-type: none"><li>1. If a proponent seeks to amend information referred to in Article 5, Paragraph 1, Item (2) during the period between a public announcement made as required by Article 7 and a public announcement made as required by Article 27, and if the project will be a Class-2 Project after such amendment, the proponent may prepare and submit, in accordance with the provisions of Article 4, Paragraph 1, a report concerning the project as amended.</li><li>2. The provisions of Article 4, Paragraphs 2 and 3 shall apply mutatis mutandis to a report prepared and submitted in accordance with the preceding Paragraph 1 of this Article 29. In such a case, the wording other procedures shall be construed to mean other procedures (except those implemented by the time of said report).</li><li>3. When the provisions of Article 4, Paragraph 3, Item (2) are applied mutatis mutandis as provided for by the preceding Paragraph 2 of this Article 29, the person filing a</li></ol>
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report in accordance with Paragraph 1 of this Article 29 shall provide notice thereof to the person(s) receiving a scoping document, a draft EIS, or an EIS from said proponent, and shall make that fact known publicly in accordance with the provisions of a regulation to be adopted by the Prime Ministers Office.

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Article 30

(Abandonment, etc. of a Project)

1. If, during the period between a public announcement made as required by Article 7 and a public announcement made as required by Article 17, a project is affected in a way that is referred to in any of the Items (1) through (3) below, the proponent shall provide notice thereof to the person(s) receiving a scoping document, a draft EIS, or an EIS, and shall make the fact of that change known to the public in accordance with the provisions of a regulation to be adopted by the Prime Ministers Office:

- (1) it is decided that the relevant project will not be implemented; or
- (2) as a result of the amendment of the information referred to in Article 5, Paragraph 1, Item (2), the project has become neither a Class-1 Project nor a Class-2 Project; or
- (3) the implementation of the relevant project is transferred to another person.

2. If a project transferred to another person as referred to in Item (3) of the preceding Paragraph 1 is a relevant project, any environmental impact assessment that was conducted and any other procedures that were followed by the proponent prior to the transfer and before the public announcement date referred to in that same Paragraph 1 shall be deemed to have been implemented by the new proponent, and any environmental impact assessment conducted and other procedures followed by the prior proponent before the transfer shall be deemed to have been implemented by the new proponent.



## Chapter VI Procedures After an Environmental Impact Statement is Made Public and Available for Public Review

### Article 31

(Restrictions on the Implementation of a Relevant Project)

1. A proponent may not implement a relevant project (if amended pursuant to the provisions of Article 21 Paragraph 1, or Article 25, Paragraph 1, or Article 28, and if the project is a relevant project after said amendment, then the project after said amendment) prior to a public announcement as required by Article 27.

2. If a proponent seeks to amend information referred to in Article 5, Paragraph 1, Item (2) after a public announcement has been made as required by Article 27, the proponent need not conduct an environmental impact assessment or follow other procedures pursuant to the provisions of this Law if: (a) the purpose of said amendment is to reduce the scale of the project; or (b) the amendment is minor, as defined by government ordinance; or (c) the amendment is of another type specified by government ordinance.

3. The provisions of Paragraph 1 shall apply *mutatis mutandis* to a person (except a person who, pursuant to the provisions of the preceding Paragraph 2, need not conduct an environmental impact assessment or follow other procedures) seeking to implement a relevant project by amending information referred to in Article 5, Paragraph 1, Item (2) after a public announcement has been made as required by Article 27. In such a case, the wording public announcement in Paragraph 1 of this Article 31 shall be construed to mean public announcement (limited to public announcements made pursuant to the provisions of that same Paragraph 1 of this Article 31 after conducting an environmental impact assessment and following other procedures required by this Law).

4. If a proponent transfers the implementation of a relevant project to another person after a public announcement has been made as required by Article 27, the proponent shall make the fact of that transfer known to the public in accordance with the provisions of a regulation to be adopted by the Prime Ministers Office. In such a case, the provisions of Paragraph 2 of the preceding Article 30 shall apply *mutatis mutandis* to the transfer.

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### Article 32

(Additional

1. If, after a public announcement has been made as required by Article 27, the proponent decides that, due to special factors such as changes in the environmental conditions in

Environmental Impact Assessment and Other Procedures after Public Announcement of an EIS)

and around the relevant project implementation area, it is necessary to amend matters referred to in Article 14, Paragraph 1, Item (5) or (7) in order to give proper consideration to the protection of the environment in implementing the relevant project, the proponent may conduct an additional environmental impact assessment and may implement other procedures relating to the relevant project pursuant to the provisions of Articles 5 through 27 or Articles 11 through 27.

2. If a proponent seeks to conduct an environmental impact assessment or to implement other procedures pursuant to the preceding Paragraph 1, the proponent shall without delay make that known to the public in accordance with the provisions of a regulation to be adopted by the Prime Ministers Office.

3. The provisions of Articles 28 through 31 shall apply mutatis mutandis to a relevant project for which an environmental impact assessment is conducted and other procedures are followed pursuant to the provisions of Paragraph 1 of this Article 32. In such a case, the wording public announcement in Paragraph 1 of this same Article 32 shall be construed to mean public announcement (limited to public announcements made after an environmental impact assessment is conducted and other procedures are implemented pursuant to that same Paragraph 1 of this same Article 32).

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Article 33  
(Determination, by Issuer of License or Other Required Approval, regarding Protection of the Environment)

1. In reviewing an application for a license or other required approval, the issuer thereof shall determine, on the basis of an EIS and the documents referred to in Article 24, whether proper consideration is given to protecting the environment in the relevant project area.

2. With regard to the preceding Paragraph 1, a determination regarding a license or other required approval referred to below (except those stipulated in the following Paragraph 3) shall be made as follows:

- (1) A license or other required approval that a law provides will be issued if certain standards are met and that is so designated by government ordinance: the provisions relating to such license or other required approval notwithstanding, the issuer of the license or other required approval shall review the standards stipulated in the aforementioned

provisions and at the same time shall assess, pursuant to the provisions of the preceding Paragraph 1, the results of the review regarding the protection of the environment. Even if the aforementioned standards are met, the issuer, based on the aforementioned assessment, may refuse to issue such license or other required approval, or may attach conditions to such license or other required approval.

- (2) A license or other required approval that a law provides will not be issued if certain standards are met and that is so designated by government ordinance: the provisions relating to such license or other required approval notwithstanding, the issuer of such license or other required approval shall review the benefits of implementing the relevant project and at the same time shall assess, pursuant to the provisions of the preceding Paragraph 1, the results of the review regarding the protection of the environment. Based on such assessment, the issuer may refuse to issue such license or other required approval or may attach conditions to the license or other required approval.
- (3) A license or other required approval for which there are no specific legal standards governing issuance (limited to those designated by government ordinance pursuant to legal provisions relating to such license or other required approval): the issuer of such license or other required approval shall review the benefits of implementing the relevant project and at the same time shall assess, pursuant to the provisions of the preceding Paragraph 1, the results of the review regarding the protection of the environment. Based on such assessment, the issuer may refuse to issue the license or other required approval or may attach conditions to the license or other required approval.

3. A person responsible for issuing a license or other required approval relating to a relevant project, which license or other required approval a law provides must not be issued unless proper care is taken regarding the protection of the environment in implementing the relevant project, shall, on the basis of an EIS and the documents referred to in Article 24, determine whether proper consideration is given to protecting the environment in accordance with the aforementioned provisions of the law.

4. The provisions of the preceding Paragraphs 1 through 3 of this Article 33 shall apply mutatis mutandis to any license, special permit, permission, authorization, or other approval relating to a relevant project that is referred to in Article 2, Paragraph 2, Item (2) (e) (limited only to projects referred to in that same Item (2) (e)).

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Article 34

(Designated-Report Reviewers Determination regarding Protection of the Environment)

1. A person receiving a report relating to a relevant project shall determine, on the basis of an EIS and the documents referred to in Article 24, whether proper consideration is given to protection of the environment relating to the relevant project; and if such consideration is deemed to be lacking, that person, notwithstanding the provisions of the law concerning the designated report, may issue a recommendation or an order to the person filing that report to amend the matters relating to that report, within a period stipulated by law and during which such recommendation or order may be issued (if an EIS has not been received at the time of receiving the designated report, such period will start from the date on which an EIS is received).

2. The provisions of the preceding Paragraph 1 shall apply mutatis mutandis to a report relating to a relevant project of a type referred to in Article 2, Paragraph 2, Item (2) (e) insofar as the report relates to that same Item (2) (e).

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Article 35

(Grant Decision-Makers Determination regarding Protection of the Environment)

The grant decision-maker responsible for a relevant project shall determine, on the basis of an EIS and the documents referred to in Article 24, whether proper consideration is given to protection of the environment relating to the relevant project. In such a case, the determination shall be made after a survey has been conducted as stipulated in Article 6, Paragraph 1 of the Law on Optimizing Implementation of Budgets Relating to Subsidies.

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Article 36

(Corporate Supervisors Determination regarding Protection of the Environment)

A corporate supervisor responsible for a relevant project shall determine, on the basis of an EIS and the documents referred to in Article 24, whether proper consideration is given to protection of the environment relating to the relevant project, and shall ensure, through supervision of the corporation involved, that such proper consideration is given.

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Article 37

A competent cabinet minister who is responsible for a

(Competent Cabinet  
Ministers Determination  
regarding Protection of  
the Environment)

relevant project under Article 4, Paragraph 1, Item (4) or (5) shall determine, on the basis of an EIS and the documents referred to in Article 24, whether proper consideration is given to protection of the environment relating to the relevant project, and shall ensure that such proper consideration is given.

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Article 38

(Proponents  
Consideration for  
Protection of the  
Environment)

1. In implementing a relevant project, the proponent thereof shall give proper consideration to the protection of the environment pursuant to the contents of the EIS relating to the project.

2. If a person making a determination relating to the protection of the environment under this Chapter concurrently is the proponent of the subject relevant project, the person making the determination shall endeavor not to engage in matters relating to the implementation of the project.

## Chapter VII Special Provisions relating to Environmental Impact Assessments and Other Procedures

### Section 1. Special Provisions relating to Relevant Projects Designated in Urban Plans

#### Article 39

(Class-2 Projects Designated in Urban Plans, etc.)

1. If a Class-2 Project is incorporated in an urban plan as an urban development project (hereinafter referred to as urban development project) pursuant to the provisions of Article 4, Paragraph 7 of the Urban Planning Law (Law No. 100 of 1968), or if facilities related to a Class-2 Project are incorporated as urban facilities in an urban plan (hereinafter referred to as urban facilities) pursuant to the provisions of Paragraph 5 of that same Article 4 of the Urban Planning Law, a report prepared pursuant to the provisions of Article 4, Paragraph 1 of this Law (including, as in the following Paragraph 2 of this Article 39, documents prepared pursuant to the latter half of that same Paragraph 1 of Article 4) shall be submitted, in accordance with the provisions of the following Paragraph 2 of this Article 39, on behalf of the person seeking to implement the said Class-2 Project, by the prefectural governor or mayor of the city, town, or village that is designated in Article 15, Paragraph 1 of the Urban Planning Law and that is authorized to decide or amend the urban plan (hereinafter referred to as urban plan decision-maker; in the case of Article 22, Paragraph 1 of the same Urban Planning Law, the Minister of Construction, or the mayors of the cities, towns, or villages as designated in that same Paragraph 1 of Article 22 of the same Urban Planning Law).

2. When an urban plan decision-maker submits a report pursuant to the provisions of the preceding Paragraph 1, the provisions of Article 4 shall be applied as per the Reinterpretation of Provisions (see Appendix 1 (1)).

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#### Article 40

(Relevant Projects Designated in Urban Plans)

1. With regard to (a) a relevant project that is incorporated in an urban plan as an urban development project, as defined in the Urban Planning Law, or (b) a relevant project whose facilities are incorporated into an urban plan as urban facilities, as defined in the Urban Planning Law, the environmental impact assessment and other procedures provided for in Articles 5 through 38 shall be implemented, pursuant to the provisions of the following Paragraph 2 and of Articles 40, 43, 44, and 46 of this Law, on behalf of the proponent of the relevant project, by the urban plan decision-maker concerned with the urban plan, in parallel

with procedures for deciding and amending the urban plan relating to the relevant project or to facilities related to the relevant project (hereinafter referred to as relevant project, etc.). In such a case, the provisions of Article 5, Paragraph 2, of Article 14, Paragraph 2, and Article 30, Paragraph 1, Item (3) and Paragraph 2 all of this Law shall not apply.

2. When an urban plan decision-maker conducts an environmental impact assessment or implements other procedures pursuant to the provisions of the preceding Paragraph 1, the provisions of Articles 5 through 38 (except Article 5, Paragraph 2; Article 14, Paragraph 2; and Article 30, Paragraph 1, Item (3) and Paragraph 2) of this Law shall be applied as per the Reinterpretation of Provisions (see Appendix 1 (2)).

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Article 41

(Modification in Accordance with Procedures relating to an Urban Plan)

1. A public announcement made by an urban plan decision-maker pursuant to the provisions of Article 16 or Article 27 of this Law, as reinterpreted in accordance with Paragraph 2 of the foregoing Article 40, shall be made together with the public announcement regarding the urban plan approved by the decision-maker pursuant to the provisions of Article 17, Paragraph 1 of the Urban Planning Law (hereinafter including application mutatis mutandis of Article 21, Paragraph 2 of that same Law, and Article 22 Paragraph 1, as reinterpreted, of that same Law), or with a public announcement made pursuant to the provisions of Article 20, Paragraph 1 of that same Law (including application mutatis mutandis of Article 21, Paragraph 2 of that same Law, and the provisions of Article 22, Paragraph 1 as reinterpreted).

2. When an urban plan decision-maker (other than the Minister of Construction) makes available for public review a draft EIS or summary referred to in Article 16 of this Law, in accordance with the provisions of that same Article 16 as reinterpreted pursuant to the provisions of Paragraph 2 of the preceding Article 40, he or she shall simultaneously make available for public review a draft urban plan that he or she has decided upon pursuant to the provisions of Article 17, Paragraph 1 of the Urban Planning Law; when, pursuant to the provisions of Article 27 of this Law as reinterpreted pursuant to the provisions of Paragraph 2 of the foregoing Article 40, he or she makes available for public review an EIS, a summary, and the documents referred to in Article 24 of this Law he or she shall simultaneously make available for public review the documents relating to the urban plan that he or she has decided on and that are referred to in

Article 14, Paragraph 1 of the Urban Planning Law and that are defined in Article 20, Paragraph 2 of that same Law (including application mutatis mutandis of Article 21, Paragraph 2 of that same Law, and reinterpretation pursuant to Article 22, Paragraph 1 of that same Law).

3. When the Minister of Construction is the decision-maker regarding an urban plan relating to a relevant project and makes available for public review a draft EIS and a summary as stipulated in Article 16 of this Law pursuant to the provisions of that same Article 16 as reinterpreted by the provisions of Paragraph 2 of the foregoing Article 40, he or she shall simultaneously make available for public review the draft urban plan, referred to in Article 17, Paragraph 1 of the Urban Planning Law relating to the urban plan, that is designated by the Minister of Construction; when he or she makes available for public review an EIS, a summary, and the documents referred to in Article 24 of this Law pursuant to the provisions of Article 27 of this Law as applied mutatis mutandis in accordance with Paragraph 2 of the foregoing Article 40 of this Law, he or she shall send the EIS, the summary, and the documents referred to in Article 24 of this Law to the related prefectural governor(s), and shall instruct those prefectural governor(s) to make available for public review the aforementioned documents together with copies of the documents that are related to the urban plan decided upon by the Minister of Construction and that are referred to in Article 14, Paragraph 1 of the Urban Planning Law as defined in Article 20, Paragraph 2 of that same Law as reinterpreted in accordance with the provisions of Article 22, Paragraph 1 of that same Law (including application mutatis mutandis of Article 21, Paragraph 2 of that same Law).

4. When an urban plan decision-maker makes available for public review a draft EIS and a draft urban plan pursuant to the provisions of the two preceding Paragraphs 2 and 3, and if he or she cannot determine whether the comments thereon are comments regarding the draft EIS or are comments regarding the draft urban plan relating to the draft EIS as provided for in Article 17, Paragraph 2 of the Urban Planning Law (including cases where Article 21, Paragraph 2 of that same Law is applied mutatis mutandis, and where reinterpreted in accordance with the provisions of Article 22, Paragraph 1 of that same Law), then he or she shall deem that the comments are both types of comments and shall apply both laws.

5. When an urban plan decision-maker conducts an environmental impact assessment and follows other



procedures pursuant to the provisions of Paragraph 1 of the preceding Article 41, he or she shall simultaneously submit to the local urban planning commission both any proposal made pursuant to the provisions of Article 25, Paragraph 3 as reinterpreted by Paragraph 2 of the preceding Article 41, and any proposal made pursuant to the provisions of Article 18, Paragraph 2 of the Urban Planning Law (including cases where Article 21, Paragraph 2 of that same Law is applied mutatis mutandis, and that is reinterpreted in accordance with Article 22, Paragraph 1 of that same Law).

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Article 42

(Special Provisions relating to the Urban Planning Law concerning Procedures relating to an Urban Plan Determining a Relevant Project, etc.)

1. When, pursuant to the provisions of Paragraphs 2 and 3 of the foregoing Article 41, a draft EIS is made available for public review together with a draft urban plan, the provisions of Article 17, Paragraphs 1 and 2 of the Urban Planning Law (including cases where the provisions of Article 21, Paragraph 2 of the Urban Planning Law are applied mutatis mutandis and reinterpreted in accordance with Article 22, Paragraph 1 of the Urban Planning Law) shall be applied to the urban plan per the Reinterpretation of Provisions (see Appendix 1).

2. When an urban plan decision-maker seeks to incorporate a relevant project into an urban plan, he or she shall ensure that the environment will be protected, and shall do so by giving consideration, in accordance not only with the provisions of the Urban Planning Law but also in accordance with descriptions in the EIS pursuant to Article 27 of this Law as reinterpreted in accordance with Article 40, Paragraph 2 of this Law (said EIS referred to in the following Paragraph 3 as EIS), to the impact that the relevant project relating to the urban plan might have.

3. When issuing an authorization pursuant to the provisions of Article 18, Paragraph 3 of the Urban Planning Law (including application mutatis mutandis of Article 21, Paragraph 2 of that same Law), or when issuing an approval (referred to in Article 45 of this Law as an urban plan authorization) pursuant to Article 19, Paragraph 1 of the Urban Planning Law (including application mutatis mutandis of Article 21, Paragraph 2 of that same Law, and the provisions of Article 22, Paragraph 1 of that same Law as reinterpreted), the Minister of Construction or the prefectural governor(s) (in Article 45 of this Law referred to as urban plan authorizer) shall review the EIS and the documents referred to in Article 24 of this Law, as reinterpreted by the provisions of Article 40, Paragraph 2 of this Law, in order to ascertain whether proper consideration

is being given to protection of the environment with respect to the aforementioned urban plan.

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Article 43

(Additional Environmental Impact Assessment in Case of Urban Plan Revisions That Change a Relevant Project)

1. If an urban plan decision-maker seeks to revise an urban plan with regard to matters referred to in Article 5, Paragraph 1, Item (2) of this Law as reinterpreted pursuant to Article 40, Paragraph 2 of this Law after making a public announcement pursuant to the provisions of Article 27 of this Law as reinterpreted pursuant to Article 40, Paragraph 2 of this Law, the urban plan decision-maker, on behalf of the proponent of the relevant project relating to such revisions, and pursuant to the following Paragraph 2, shall conduct, simultaneously with procedures for revising the urban plan, an environmental impact assessment and shall follow other procedures referred to in the provisions of Article 31, Paragraphs 2 and 3, of this Law.

2. The provisions of Article 31, Paragraphs 2 and 3 of this Law, as referred to in the preceding Paragraph 1, shall be applied per the Reinterpretation of Provisions (see Appendix 1 (3)).

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Article 44

(Modification in Accordance with Environmental Impact Assessment to be Conducted by Proponent)

1. If, after the preparation of a scoping document by a proponent in accordance with Article 5 of this Law but before a public announcement is made in accordance with Article 7 of this Law, an urban plan decision-maker seeking to incorporate into an urban plan a relevant project relating to the scoping document notifies the proponent of such intention if the relevant project relating to the scoping document is a Class-1 Project (if the proponent has already submitted a scoping document pursuant to Article 6, Paragraph 1 of this Law, then the proponent and the recipient of the scoping document), or notifies the proponent, the recipient of a report from the proponent in accordance with Article 4, Paragraph 1 of this Law, and the prefectural governor(s) referred to in Paragraph 2 of that same Article 4, if the relevant project is a Class-2 Project (if the proponent has already submitted a scoping document in accordance with the aforementioned Article 6, Paragraph 1, then the proponent, the recipient of the report prepared and submitted by the proponent in accordance with the aforementioned Article 4, Paragraph 1, and the recipient of the scoping document), then the provisions of Article 40, Paragraph 1 shall apply to the relevant project relating to the aforementioned urban plan as of the time that the proponent receives the aforementioned notification. In such a case, the proponent shall, immediately after receiving the notification,

submit the scoping document to the urban plan decision-maker.

2. In a case referred to in the preceding Paragraph 1, the environmental impact assessment and other procedures implemented by the proponent prior to receiving the notification shall be deemed to have been implemented by the urban plan decision-maker, and the procedures followed with regard to the proponent shall be deemed to have been followed with regard to the urban plan decision-maker.

3. If, after a public announcement by the proponent in accordance with Article 7 of this Law but before a public announcement as referred to in Article 16 of this Law, the urban plan decision-maker seeking to incorporate into an urban plan a relevant project relating to the aforementioned public announcement provides notification of such intention to the proponent and the recipient(s) of a scoping document or a draft EIS from the proponent (if the relevant project relating to such public announcement is a Class-2 Project, then to the aforementioned persons and to the recipient(s) of a report submitted by the said proponent in accordance with Article 4, Paragraph 1), the proponent, promptly after preparing a draft EIS relating to the relevant project if such a draft EIS has not been prepared, or, if a draft EIS has already been prepared, then promptly after receiving the aforementioned notification from the urban plan decision maker, shall submit the draft EIS to the urban plan decision-maker. In such a case, the provisions of Article 40, Paragraph 1 of this Law shall apply to the relevant project relating to the urban plan as of the time that the urban plan decision-maker receives the draft EIS.

4. The provisions of Paragraph 2 shall apply *mutatis mutandis* to procedures followed prior to a submission of a draft EIS pursuant to the provisions of the preceding Paragraph 3.

5. If a public announcement is made, pursuant to the provisions of Article 17, Paragraph 1 of the Urban Planning Law concerning an urban plan referred to the foregoing Paragraph 3 of this Article, after the proponent has made a public announcement in accordance with the provisions of Article 16 of this Law but before a public announcement has been made as required by in Article 27 of this Law, an environmental impact assessment shall be conducted and other procedures prescribed by Chapters III and IV of this Law shall continue to be followed with respect to the relevant project relating to the urban plan, and the provisions of Article 40, Paragraph 1 of this Law shall not

apply. In such a case, the proponent, promptly after making a public announcement in accordance with the provisions of the aforementioned Article 27, shall submit to the urban plan decision-maker an EIS as required by that same Article 27 and relating to the public announcement (referred to as EIS in the following Article 45).

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Article 45

(Special Provisions relating to the Urban Planning Law When a Proponent Conducts an Environmental Impact Assessment)

1. If incorporation into an urban plan as referred to in Paragraph 5 of the foregoing Article 44 requires an urban plan authorization, the urban plan decision-maker who has received submission of the EIS pursuant to the provisions of that same Paragraph 5 shall submit the EIS to the urban plan authorizer.

2. If an urban plan referred to in the preceding Paragraph 1 is subject to Article 18 of the Urban Planning Law (including application mutatis mutandis of Article 21, Paragraph 2 of that same Law, and reinterpretation of Article 18, Paragraphs 1 and 2 of that same Law pursuant to the provisions of Article 22, Paragraph 1 of that same Law) or Article 19 of that same Law (including application mutatis mutandis of Article 21, Paragraph 2 of that same Law, and reinterpretation pursuant to the provisions of Article 22, Paragraph 1 of that same Law), the provisions of Article 42, Paragraph 2 of this Law shall apply mutatis mutandis when the urban plan decision-maker seeks to incorporate into an urban plan the relevant project relating to the EIS submitted pursuant to Paragraph 5 of the foregoing Article 44, and the provisions of Article 42, Paragraph 3 shall apply mutatis mutandis when an urban plan authorizer issues an urban plan authorization relating to the urban plan. In such a case, the Reinterpretation of Provisions (see Appendix 1 (4)) shall prevail.

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Article 46

(Cooperation of the Proponent)

1. An urban plan decision-maker may ask the proponent or the person seeking to implement a Class-2 Project to cooperate, through such means as providing reference materials and attending explanatory meetings, in conducting an environmental impact assessment and following other procedures stipulated in Articles 39 through 41 and Articles 43 and 44 of this Law.

2. Of the proponents, the heads of administrative organizations of the national government (including local branches), the corporations referred to in Article 2, Paragraph 2, Item (2) (c) of this Law, and others designated by government ordinance shall conduct an environmental

impact assessment if so requested by the urban plan decision-maker.

## Chapter VII Special Provisions relating to Environmental Impact Assessments and Other Procedures

### Section 2. Environmental Impact Assessments and Other Procedures relating to Port and Harbor Plans

#### Article 47

##### (Definitions of Terms)

In this Section, in the following Chapter, and in the Supplementary Provisions, port and harbor environmental impact assessment shall mean the process of (a) surveying, predicting, and assessing the likely impact that development, use, and maintenance of ports and harbors and maintenance of areas adjacent to ports and harbors (hereinafter in this Section referred to as port and harbor developments, etc.) that are incorporated in a port and harbor plan, as defined in Article 3-3, Paragraph 1 of the Port and Harbor Law (Law No. 218 of 1950) as applicable to the important ports and harbors referred to in Article 2, Paragraph 2 of the Port and Harbor Law (hereinafter referred to as port and harbor plan), will have on various aspects of the environment; (b) studying possible environmental protection measures relating to such port and harbor developments, etc. that are incorporated in a port and harbor plan; and (c) assessing the likely overall environmental impact of such measures.

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#### Article 48

##### (Port and Harbor Environmental Impact Assessments and Other Procedures relating to Port and Harbor Plans)

1. If the adoption of a port and harbor plan or amendment of an already adopted port and harbor plan involves large-scale reclamation or other elements within the categories designated by government ordinance, the port and harbor administrator referred to in Article 2, Paragraph 1 of the Port and Harbor Law (hereinafter referred to as port and harbor administrator) shall conduct a port and harbor environmental impact assessment and shall follow other procedures pursuant to the provisions of the following Paragraphs 2 and 3 of this Article, with respect to the port and harbor plan relating to the aforementioned adoption and amendment (hereinafter referred to as relevant port and harbor plan).

2. The provisions of Article 2, Paragraph 3 through Chapter V (except Article 14, Paragraph 1, Item (4) and Paragraph 2; Articles 22 through 26; Article 29; and Article 30, Paragraph 1 Item (3) and Paragraph 2) and Article 31, Paragraphs 1 through 3 of this Law shall apply mutatis mutandis to port and harbor environmental impact assessments and other procedures referred to in the preceding Paragraph 1 of this Article. In such a case, the

Reinterpretation of Provisions (see Appendix 2 (1)) shall be controlling.

3. When adopting a proposed relevant port and harbor plan or amending an already adopted relevant port and harbor plan, the port and harbor administrator, pursuant to the provisions of the Port and Harbor Law and in accordance with the content of a port and harbor environmental impact statement as referred to in Article 21, Paragraph 2 of this Law, as applied mutatis mutandis by the preceding Paragraph 2 of this Article, shall ensure that the environment is protected, and shall do so by paying due attention to the environmental impact of port and harbor developments, etc. that are stipulated in such port and harbor plans.

## Chapter VIII Miscellaneous Provisions

Article 49  (Communication with Local Public Bodies)	The proponent and others shall maintain close communication with, and may seek cooperation from, related local public bodies concerning public announcements, public reviews, and the holding of explanatory meetings as provided for in this Law.
Article 50  (Consideration by the National Government)	When a local public body (including a port and harbor administrator) implements a relevant project (including adoption or amendment of a relevant port and harbor plan) by receiving subsidies, etc. from the national government, the national government shall give proper consideration to the costs likely to be incurred in conducting an environmental impact assessment and following other procedures required by this Law.
Article 51  (Technological Development)	In order to improve technologies necessary for conducting environmental impact assessments, the national government shall endeavor to promote research and development of such technologies and to disseminate the results thereof.
Article 52  (Exemptions, etc.)	<ol style="list-style-type: none"><li>1. The provisions of this Law shall not apply to air pollution, water pollution (including deterioration of water conditions other than water quality and soil at the bottom), or soil pollution caused by radioactive substances.</li><li>2. The provisions of Chapters II through VII of this Law shall not apply to the following: (a) a project to restore an area stricken by natural calamities, as stipulated in Article 87 of the Basic Law for Disaster Relief (Law No. 223 of 1961); (b) projects referred to in Article 88, Paragraph 2 of that same Law; (c) a project incorporated into an urban plan pursuant to Article 84, Paragraph 1 of the Building Standards Law (Law No. 201 of 1950); (d) a project, as referred to in that same Paragraph 1, that is subject to the provisions of that same Article 84; or (e) a project, as stipulated in Article 5, Paragraph 1, Item 3 of the Law concerning Special Measures for Recovery of Urban Areas Stricken by Disasters (Law No. 14 of 1992), to be implemented in a disaster-stricken urban area designated for accelerated recovery under Article 5, Paragraph 1 of that same Law.</li></ol>

Article 53

(Institution of Orders and Transitional Measures)

1. In implementing a government ordinance (hereinafter in this Article and in Paragraph 1 of the following Article 54 to be referred to as government ordinance relating to a relevant project, etc.) that is based on the provisions of Article 2, Paragraph 2 or 3, and whose institution, amendment, or abolition results in a certain project newly becoming a relevant project (including a project that newly becomes a relevant project concerning which measures have been taken pursuant to Article 4, Paragraph 3, Item (1) of this Law, including reinterpretation pursuant to the provisions of Article 39, Paragraph 2 of this Law; hereinafter referred to as new relevant project, etc.), the documents referred to in the following Items (1) through (9) (limited to those designated in the provisions of the following Paragraph 2 when enacting the government ordinance concerning the relevant project, etc.) that are prepared in accordance with a prefectural ordinance or administrative guidance stipulated in Article 36 of the Administrative Procedure Law (Law No. 88 of 1993) (including ordinances and guidance issued by a local public body pursuant to that same Article 36) or other measures (hereinafter referred to as administrative guidance, etc.) shall be deemed to be documents referred to in each of the following Items (1) through (9).

- (1) A document describing the items of an environmental impact assessment that is deemed to have been submitted to the heads of the local public bodies having jurisdiction over an area recognized as being environmentally impacted (hereinafter in this Paragraph 1 referred to as heads of related local public bodies), to have been subject to public review and other procedures intended to seek the opinions of third parties: a scoping document that has been processed in accordance with the procedures set forth in Article 7 of this Law.
- (2) A document outlining opinions, from the standpoint of protecting the environment, regarding a document, as referred to in the foregoing Item (1), that is deemed to have been submitted to the heads of related local public bodies: a document, as referred to in Article 9 of this Law, that has been processed in accordance with the procedures set forth in that same Article 9.
- (3) A document in which the heads of related local public bodies are deemed to have expressed their opinions, from the standpoint of protecting the environment, regarding a document referred to in Item (1) above: a document prepared and



processed pursuant to Article 10, Paragraph 1 of this Law.

- (4) A document that has been prepared to be reviewed by and commented upon by the public, from the standpoint of protecting the environment, with regard to the results of an environmental impact assessment that is deemed to have been the subject of a public announcement and public review in accordance with Article 16 of this Law, and through procedures equivalent to the measures referred to in Article 17, Paragraph 1 of this Law, or in the latter half of Paragraph 4 of that Article 17, for making the public aware of the aforementioned results: a draft EIS that has been prepared and processed pursuant to the aforementioned Articles 16 and 17.
- (5) A document outlining opinions, from the standpoint of protecting the environment, regarding a document, as referred to in the foregoing Item (4), that is deemed to have been submitted to the heads of related local public bodies: a document, as referred to in Article 19 of this Law, that has been processed in accordance with the provisions of that same Article 19.
- (6) A document deemed to contain opinions, from the standpoint of protecting the environment, expressed by the heads of related local public bodies with regard to a document as referred to in Item (4) above: a document referred to in Article 20, Paragraph 1 of this Law.
- (7) A document deemed to describe the results of a study, conducted after the expression of opinions referred to in the preceding Item (6), regarding the matters described in a document referred to in Item (4) above: an EIS prepared and processed prepared as prescribed by Article 21, Paragraph 2 of this Law.
- (8) A document deemed to describe the results of a study regarding matters described in a document referred to in the preceding Item (7) or in Item (4) above, with due regard having been given to the opinions of related administrative organizations at an event held to permit the expression of such opinions: an EIS submitted as prescribed by Article 26, Paragraph 2 of this Law.

(9) A document deemed to have been the subject of a public announcement equivalent to that which is prescribed by Article 27 of this Laws: an EIS that has been made available for public review in accordance with the procedures prescribed by that same Article 27.

2. A document referred to in any of the foregoing Items (1) through (9) shall be evaluated by (a) the director-general of the Environment Agency after listening to opinions of the related local public bodies if the document has been prepared on the basis of a prefectural ordinance or administrative guidance, etc. (limited to administrative guidance relating to local public bodies), or by (b) the competent cabinet minister in consultation with the director-general of the Environment Agency (in the case of a Class-1 or Class-2 Project that is incorporated into an urban plan as an urban development project pursuant to the provisions of the Urban Planning Law, and if said Class-1 or Class-2 Project or facilities related to the Class-1 or Class-2 Project are incorporated into an urban plan as urban facilities pursuant to the provisions of that same Urban Planning Law, and in case of administrative guidance, etc. that stipulate that the urban plan decision-maker designated by the urban plan will conduct an environmental impact assessment and follow other procedures relating to the Class-1 or Class-2 Project relating to said urban facilities, then by the Minister of Construction in consultation with the competent cabinet minister and the director-general of the Environment Agency) if the document is prepared on the basis of administrative guidance, etc. (limited to administrative guidance of the national government).

3. The results of evaluation conducted pursuant to the provisions of the preceding Paragraph 2 shall be made public.

4. The provisions of the three preceding Paragraphs 1 through 3 (except Paragraph 1 Items (1) through (3) and Item (8)) shall apply mutatis mutandis to a port and harbor plan that has newly become a relevant port and harbor plan through institution, amendment, or abolition of a government ordinance pursuant to the provisions of Article 48, Paragraph 1 of this Law. In such a case, the Reinterpretation of Provisions (see Appendix 2 (2)) shall prevail.

shall not apply to: (a) those new relevant projects, etc. that are referred to below (limited, in case of those referred to in Items (1) through (4) to those new relevant projects, etc. not amended after the day on which the government ordinance concerning the relevant project etc. is enacted (hereinafter in this Article referred to as ordinance enactment date); (b) those new relevant projects, etc. that have been amended so as to reduce the scale of the project; (c) a project whose amendment is minor, as defined by government ordinance; or (d) a project whose amendment is of another type specified by government ordinance.

- (1) A project of the type referred to in Article 2, Paragraph 2, Item (2) (a) of this Law, and for which a license or other required approval was granted or a required report was filed prior to the ordinance enactment date.
- (2) A project of the type referred to in Article 2, Paragraph 2, Item (2) (b) of this Law, and for which a decision regarding the granting of subsidies, etc. by the national government has been made in accordance with that same Item (2) (b) prior to the ordinance enactment date.
- (3) A project, other than those referred to in the foregoing two Items (1) and (2), that is to be implemented on the basis of a national plan designated by government ordinance adopted pursuant to the provisions of a law, and for which said national plan was decided upon prior to the ordinance enactment date.
- (4) A project, other than those referred to in the foregoing three Items (1) through (3), that was incorporated, prior to the ordinance enactment date, into an urban plan that was publicly announced pursuant to the provisions of Article 17, Paragraph 1 of the Urban Planning Law (hereinafter including a project relating to urban facilities designated in said urban plan).
- (5) A project, other than those referred to in the two preceding Items (4) and (5), that is a new relevant project of a type referred to in Article 2, Paragraph 2, Items (2) (c) through (e) of this Law, and that is to be implemented within six months of the ordinance enactment date.

2. With regard to projects referred to in the preceding Paragraph 1, if a document that relates to a new relevant project, etc. and that is referred to in any of the Items (1) through (9) in Paragraph 1 of the foregoing Article 53 has

been prepared pursuant to prefectural ordinance prior to the ordinance enactment date, an environmental impact assessment may continue to be conducted and other procedures relating to the project may continue to be followed in accordance with the prefectural ordinance, notwithstanding the provisions of Article 60 of this law.

3. The provisions of Chapters II through VII of this Law shall not apply to a project referred to in any of the Items (1) through (5) in Paragraph 1 of this Article 54 that will be implemented as a new relevant project, etc. due to changes in its content after the ordinance enactment date (provided that the project meets the conditions established by the government ordinance with regard to reducing the projects degree of environmental impact).

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Article 55

1. A proponent seeking to implement a new relevant project, etc. that is referred to in any of the Items (1) through in Paragraph 1 of the foregoing Article 54 may conduct, notwithstanding the provisions of that same Paragraph 1, an environmental impact assessment, and may implement other procedures relating to the relevant project etc. pursuant to the examples contained in the provisions of Articles 5 through 27 or Articles 11 through 27.

2. The provisions of this Laws Articles 28 through 31 and Article 32, Paragraph 2 shall apply mutatis mutandis to a proponent conducting an environmental impact assessment or implementing other procedures pursuant to the provisions of the preceding Paragraph 1. In such a case, the wording a proponent in these provisions shall be construed to mean a person seeking to implement a new relevant project, etc., as stipulated in Article 55, Paragraph 1 of this Law.

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Article 56

If an order is instituted, amended, or abolished on the basis of this Law, that order may prescribe, in addition to the measures referred to in the three foregoing Articles 53 through 55, transitional measures that are deemed reasonably necessary as a result of such institution, amendment, or abolition.

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Article 57

(Reliance on Government Ordinance)

Matters necessary for the enforcement of this Law, other than those stipulated in this Law, shall be determined by government ordinance.

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Article 58

(Competent Cabinet Minister)

1. A competent cabinet minister in this Law shall be as indicated by the following Items (1) through (6) according to the type of project or port and harbor plan referred to in each Item:

- (1) A project of the type referred to in Article 2, Paragraph 2, Item (2) (a) of this Law: the minister responsible for clerical work relating to a license or other required approval and required report.
- (2) A project of the type referred to in Article 2, Paragraph 2, Item (2) (b) of this Law: the minister responsible for clerical work relating to decisions made by the grant decision-maker.
- (3) A project of the type referred to in Article 2, Paragraph 2, Item (2) (c) of this Law: the minister responsible for clerical work relating to supervision by the corporate supervisor.
- (4) A project of the type referred to in Article 2, Paragraph 2, Item (2) (d) of this Law: the minister responsible for clerical work relating to implementation of the project.
- (5) A project of the type referred to in Article 2, Paragraph 2, Item (2) (e) of this Law: the minister responsible for clerical work relating to implementation of the project and the minister responsible for clerical work relating to any license, special permit, permission, authorization, approval or report relating to a project of the type referred to in (e) of that same Item (2).
- (6) A port and harbor plan: the Minister of Transport.

2. In this Law, a ministerial regulation shall mean an order issued by a competent cabinet minister (if the competent cabinet minister is the head of an extra-ministerial bureau of the Prime Ministers Office, then an ordinance of the Prime Ministers Office), and a ministerial regulation/regulation of the Ministry of Construction shall mean an order issued by a competent cabinet minister (if the competent cabinet minister is the head of an extra-ministerial bureau of the Prime Ministers Office, then the Prime Minister) and the Minister of Construction (if the competent cabinet minister is the Minister of Construction, then an order issued by the Minister of Construction).

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Article 59  
(Relation to Other Laws)

An environmental impact assessment and other procedures relating to a Class-1 or Class-2 Project of the type of project referred to in Article 2, Paragraph 2, Item (1) (e) shall be subject to this Law and the Electricity Enterprises Law.

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Article 60  
(Relation to Prefectural Ordinances)

The provisions of this Law shall not prevent a local public body from adopting a prefectural ordinance in order to institute provisions necessary to deal with the following matters:

- (1) Matters relating to environmental impact assessments and other procedures regarding projects other than Class-2 Projects and relevant projects.
- (2) Matters relating to procedures for environmental impact assessments conducted by a local public body with regard to a Class-2 Projects or a relevant project (provided that the provisions of this Law are not violated).

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Article 61  
(Respect for this Law in Implementing Policies of Local Public Bodies)

Local public bodies shall respect the spirit of this Law in taking necessary measures for conducting environmental impact assessments regarding projects having an impact on the environment of their respective areas.

## Supplementary Provisions

Article 1  
(Effective Date)

This Law shall come into force on a date, to be determined by government ordinance, that shall be within two years from the date of the promulgation of this Law; provided, however, the provisions referred to in Items (1) and (2) below shall become effective on the date specified in each Item.

- (1) The provisions of this Laws Article 1; Article 2; Article 4 Paragraph 10; Article 13; Article 39, Paragraph 2 (limited to the portions that relate to Article 4, Paragraph 10); Article 48, Paragraphs 1 and 2 (limited to the portions that relate to Article 13); Article 58; and Article 8 of the Supplementary Provisions: a date, to be determined by government ordinance, that shall be within six months of the date of promulgation of this Law.
- (2) The provisions of this Laws Article 4, Paragraph 3 (hereinafter in this Item limited to the portions that relate to ministerial regulations referred to in that same Paragraph 3) and Paragraph 9; Article 5, Paragraph 1 (hereinafter in this Item limited to the portions that relate to ministerial regulations referred to in that same Paragraph 1); Article 6, Paragraph 1 (limited to the portions that relate to ministerial regulations) and Paragraph 2; Article 7 (limited to the portions that relate to a regulation of the Prime Ministers Office as referred to in that same Article 7); Article 8, Paragraph 2 (limited to the portions that relate to a regulation of the Prime Ministers Office as referred to in that same Paragraph 2); Article 11, Paragraph 1 (hereinafter in this Item (2) limited to the portions that relate to ministerial regulations referred to in that same Paragraph 1) and Paragraph 3; Article 12, Paragraph 1 (hereinafter in this Item (2) limited to the portions that relate to ministerial regulations referred to in that same Paragraph 1) and Paragraph 2; Article 39 Paragraph 2 (limited to the portions that relate to Article 4, Paragraphs 3 and 9); Article 40 Paragraph 2 (limited to the portions that relate to Article 5, Paragraph 1); Article 48, Paragraph 2 (limited to the portions that relate to Article 11, Paragraphs 1 and 3; and Article 12, Paragraphs 1 and 2); Paragraphs 2,

3, and 4 of Article 3 of these Supplementary Provisions (limited to the portions that relate to Paragraphs 2 and 3 of that same Article 3); and Article 5 of these Supplementary Provisions: a date, determined by government ordinance, that shall be within one year from the date of promulgation of this Law.

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Article 2

(Transitional Measures)

1. If on the date that this Law becomes effective there exist documents referred to in Items (1) through (9) below (limited to those designated in the following Paragraph 2 on the date that this Law becomes effective) that have been prepared pursuant to prefectural ordinance or administrative guidance, etc. regarding a project that, as a result of this Law, newly becomes a relevant project (including a project that newly becomes a Class-2 Project concerning which measures have been taken pursuant to Article 4, Paragraph 3, Item (1) of this Law (including application through reinterpretation pursuant to Article 39, Paragraph 2 of this Law)), such documents shall be deemed to be documents referred to in each of the Items below:

- (1) A document of the type referred to in Article 53, Paragraph 1, Item (1) of this Law: a scoping document that has been processed in accordance with the procedures prescribed by Article 7 of this Law.
- (2) A document of the type referred to in Article 53, Paragraph 1, Item (2) of this Law: a document that is of the type referred to in Article 9 of this Law and that has been processed in accordance with the procedures stipulated in that same Article 9.
- (3) A document of the type referred to in Article 53, Paragraph 1, Item (3) of this Law: a document referred to in Article 10, Paragraph 1.
- (4) A document of the type referred to in Article 53, Paragraph 1, Item (4) of this Law: a draft EIS that has been processed in accordance with the procedures prescribed in Articles 16 and 17 of this Law.
- (5) A document of the type referred to in Article 53, Paragraph 1, Item (5) of this Law: a document of the type that is referred to in Article 19 of this Law and that has been processed in accordance with the procedures stipulated in that same Article 19.



- (6) A document of the type referred to in Article 53, Paragraph 1, Item (6) of this Law: a document of the type referred to in Article 20, Paragraph 1 of this Law.
- (7) A document of the type referred to in Article 53, Paragraph 1, Item (7) of this Law: an EIS prepared in accordance with the provisions of Article 21, Paragraph 2 of this Law.
- (8) A document of the type referred to in Article 53, Paragraph 1, Item (8) of this Law: an EIS prepared in accordance with the provisions of Article 26, Paragraph 2 of this Law.
- (9) A document of the type referred to in Article 53, Paragraph 1, Item (9) of this Law: an EIS that has been processed in accordance with Article 27 of this Law.

2. The respective documents referred to in the foregoing Items (1) through (9) of the preceding Paragraph 1 shall be evaluated by (a) the director-general of the Environment Agency after listening to the opinions of the related local public bodies if the said document is prepared on the basis of prefectural ordinance or administrative guidance, etc. (limited to administrative guidance relating to local public bodies): or by (b) the competent cabinet minister in consultation with the director-general of the Environment Agency (in the case of a Class-1 or Class-2 Project that is incorporated into an urban plan as an urban development project pursuant to the provisions of the Urban Planning Law; and if such Class-1 or Class-2 Project or facilities related to the Class-1 or Class-2 Project are incorporated into an urban plan as urban facilities pursuant to the provisions of that same Urban Planning Law, and in the case of administrative guidance, etc. that stipulate that the urban plan decision-maker designated by the urban plan will conduct an environmental impact assessment and will follow other procedures relating to the Class-1 or Class-2 Project relating to such urban facilities, then by the Minister of Construction in consultation with the competent cabinet minister and the director-general of the Environment Agency) if the said document is prepared on the basis of administrative guidance, etc. (limited to administrative guidance of the national government).

3. The results of evaluation conducted pursuant to the provisions of the preceding Paragraph 2 shall be made public.

4. The provisions of the three preceding Paragraphs 1 through 3 (except Paragraph 1, Items (1) through (3) and Item (8)) shall apply mutatis mutandis to a port and harbor plan that newly becomes a relevant port and harbor plan as a result of this Law coming into force. In such a case, the Reinterpretation of Provisions (see Appendix 2 (3)) shall prevail.

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### Article 3

1. The provisions of Chapters II through VII of this Law shall not apply to those Class-1 or Class-2 Projects that are referred to in the following Items (1) through (5) (limited, in the case of those referred to in Items (1) through (4), to: (a) those projects not amended after the effective date on which this Law becomes effective [hereinafter in this Article referred to as effective date of this Law]; or (b) those projects amended in order to reduce the scale of the project; (c) a project whose amendment is minor, as defined by government ordinance; or (d) a project whose amendment is of another type specified by government ordinance).

- (1) A project that is of the type referred to in Article 2, Paragraph 2, Item (2) (a) of this Law and that for which a license or other required approval was granted, or concerning which a designated report was filed prior to the effective date of this Law.
- (2) A project that is of the type referred to in Article 2, Paragraph 2, Item (2) (b) of this Law, and that for which a decision concerning the granting of subsidies, etc. by the national government was made in accordance with the provisions of that same Item (2) (b) prior to the effective date of this Law.
- (3) A project, other than of the types referred to in the preceding two Items (1) and (2), that is implemented on the basis of a national plan that was adopted, prior to the effective date of this Law, by government ordinance pursuant to the provisions of a law, including construction plans stipulated in Article 5, Paragraph 1 of the National Expressway Law (Law No. 79 of 1957).
- (4) A project, other than those referred to in the preceding three Items (1) through (3), that was incorporated, prior to the effective date of this Law, into an urban plan that was publicly announced pursuant to the provisions of Article 17, Paragraph 1 of the Urban Planning Law.

(5) A project, other than those referred to in the preceding two Items (3) and (4), that is either a Class-1 or Class-2 Project of the types referred to in Article 2, Paragraph 2, Items (2) (c) through (2) (e), and that is implemented within six months from the effective date of this Law.

2. With regard to the projects referred to in the preceding Paragraph 1, if a document that relates to such a Class-1 or Class-2 Project and that is referred to in any of the Items (1) through (9) in Paragraph 1 of Article 53 of this Law, has been prepared, pursuant to prefectural ordinance, prior to the effective date of this Law, an environmental impact assessment and other procedures relating to the said project may be continued in accordance with the prefectural ordinance, notwithstanding the provisions of Article 60 of this Law.

3. The provisions of Chapters II through VII of this Law shall not apply to a project that is referred to in any of the Items (1) through (5) in Paragraph 1 of this Article 3 and that, due to changes in its contents after the effective date of this Law, will be implemented as a Class-1 or Class-2 Project (provided that the project meets conditions, established by government ordinance, with regard to reducing the degree of its environmental impact).

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#### Article 4

1. Notwithstanding the provisions of Paragraph 1 of the preceding Article 3, a person who seeks to implement a Class-1 or Class-2 Project of the type referred to in any of the Items (1) through (5) of that same Paragraph 1 of the preceding Article 3 may conduct an environmental impact assessment and may implement other procedures relating to the project, in accordance with the provisions of Articles 5 through 27 or Articles 11 through 27.

2. The provisions of this Law's Articles 28 through 31 and Article 32, Paragraph 2 shall apply *mutatis mutandis* to a proponent conducting an environmental impact assessment or implementing other procedures pursuant to the provisions of the preceding Paragraph 1. In such a case, the wording a proponent in these provisions shall be construed to mean a person seeking to implement a Class-1 or Class-2 Project of the type referred to in Article 4, Paragraph 1 of the Supplementary Provisions.

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#### Article 5

1. A person who becomes a proponent after this Law

becomes effective may conduct an environmental impact assessment and may implement other procedures in accordance with the provisions of Articles 5 through 12 of this Law, after the effective date of the provisions of Article 1, Item (2) of the Supplementary Provisions, but before the effective date of this Law.

2. If a person referred to in the preceding Paragraph 1 has decided to conduct an environmental impact assessment and to implement other procedures pursuant to the provisions of that same Paragraph 1, he or she shall promptly report such decision to the competent cabinet minister pursuant to the provisions of a regulation to be adopted by the Prime Ministers Office.

3. A competent cabinet minister receiving a report prepared and submitted pursuant to the preceding Paragraph 2 shall without delay publicly announce the receipt of such report.

4. If there is made a public announcement as referred to in the preceding Paragraph 3, and if the person referred to in Paragraph 1 has conducted an environmental impact assessment and implemented other procedures required of such persons pursuant to the provisions of Articles 5 through 12 of this Law, the person who is the related governor or the related mayor when this Law becomes effective shall implement the procedures required of governors or mayors in accordance with the aforementioned provisions of Articles 5 through 12.

5. Procedures implemented, with regard to a relevant project, pursuant to the provisions of the preceding Paragraph 4 shall be deemed to be implemented on the applicable effective date in accordance with the equivalent provisions of this Law.

6. The provisions of each of the foregoing Paragraphs 1 through 5 shall apply mutatis mutandis to an urban plan decision-maker who, pursuant to the provisions of Article 40, Paragraph 1 of this Law and after the effective date of this Law, conducts an environmental impact assessment and implements other procedures on behalf of the proponent. In such a case, the Reinterpretation of Provisions (see Appendix 1) shall prevail.

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Article 6

(Reliance on Government

Matters relating to transitional measures necessary for the enforcement of this Law, other than those that are stipulated in Articles 2 through 5 of these Supplementary Provisions,

Ordinance) shall be determined by government ordinance.

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Article 7  
(Review) Ten years the effective date of this Law, the government shall review the way that this Law has been enforced, and shall take necessary measures based on the results of such review.

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Article 8  
(Partial Amendment of the Law to Establish the Environment Agency) The Law to Establish the Environment Agency (Law No. 88 of 1971) shall be amended as follows: Add the following Item next to Article 4, Item 6: 6-2. To handle clerical work (except work to be done by other administrative organizations) relating to the enforcement of the Environmental Impact Assessment Law (Law No. 81 of 1997).