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This English translation of the Act on the Promotion of Sorted Collection and Recycling of Containers and Packaging (Yet to enter into force) has been prepared in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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## **Act on the Promotion of Sorted Collection and Recycling of Containers and Packaging (Act No. 112 of June 16, 1995)**

### **Chapter 1 General Provisions**

#### **Article 1 (Purpose)**

The purpose of this Act is, by taking measures to promote reduction of waste containers and packaging discharged and the sorted collection thereof as well as the recycling of waste containers and packaging which are obtained through sorted collection, etc., that conform to the sorting standards, to ensure proper management of waste and effective use of resources through reduction of municipal solid waste and adequate use of recyclable resources, thereby contributing to the preservation of the living environment and the sound development of the national economy.

#### **Article 2 (Definition)**

- (1) The term "containers and packaging" as used in this Act shall mean containers and packaging of goods (including the cases where containers and packaging of goods are paid for) which become unnecessary when the said goods have been consumed or when the said containers and packaging have been removed from the goods.
- (2) The term "specified containers" as used in this Act shall mean containers and packaging that are specified by the ordinance of the competent ministry as containers of goods (including the cases where the containers of goods are paid for).

- (3) The term "specified packaging" as used in this Act shall mean containers and packaging, excluding specified containers.
- (4) The term "waste containers and packaging" as used in this Act shall mean containers and packaging which have become municipal solid waste (meaning municipal solid waste prescribed in Article 2, paragraph 2 of the Waste Management and Public Cleaning Act (Act No. 137 of 1970; hereinafter referred to as the "Waste Management Act"); the same shall apply hereafter).
- (5) The term "sorted collection" as used in this Act shall mean collecting waste separately, and sorting and compressing the collected waste and conducting other acts specified by the Ordinance of the Ministry of the Environment, where necessary.
- (6) The term "waste containers and packaging that conform to the sorting standards" as used in this Act shall mean waste containers and packaging that are obtained through sorted collection of waste containers and packaging by the municipal governments based on their Municipal Sorted Collection Plans prescribed in Article 8, which conform to the standards specified by the Ordinance of the Ministry of the Environment and which are stored in a facility designated by the competent minister as a facility that conforms to the establishment standards specified by the ordinance of the competent ministry after hearing opinions of the municipal governments (excluding containers and packaging which are specified by the ordinance of the competent ministry as those which can obviously be transferred at a price or without charge and for which recycling is not necessary).
- (7) The term "waste containers and packaging that conform to the specified sorting standards" as used in this Act shall mean waste containers and packaging that conform to the sorting standards specified by the ordinance of the competent ministry with respect to each classification of containers and packaging specified by the ordinance of the competent ministry (hereinafter referred to as the "Classification of Containers and Packaging").
- (8) The term "recycling" as used in this Act shall mean the following acts with regard to waste containers and packaging that conform to the sorting standards.
  - (i) Personally utilizing waste containers and packaging that conform to the sorting standards as raw materials of products (for products utilized as fuel, limited to those specified by Cabinet Order)
  - (ii) Personally using waste containers and packaging that conform to the sorting standards directly as products for usage excluding fuel use
  - (iii) Making waste containers and packaging that conform to the sorting standards transferable at a price or without charge to a person who utilizes it as raw materials of products prescribed in item 1.
  - (iv) Making waste containers and packaging that conform to the sorting

standards transferable at a price or without charge to a person who uses it directly as products prescribed in item 1.

(9) The term "use" as used in this Act shall mean the following acts with regard to containers and packaging.

(i) The act of putting goods to be sold into containers or wrapping such goods in packaging (excluding the act conducted based on entrustment (limited to those specified by the ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) from other persons (excluding non-residents prescribed in Article 6 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949); hereinafter the same shall apply in this and the next paragraph)

(ii) The act of importing goods to be sold that are put into containers or wrapped in packaging (excluding the act conducted based on entrustment from other persons).

(iii) The act of entrusting other persons with the acts listed in the preceding two items

(10) The term "manufacture, etc." as used in this Act shall mean the following acts with regard to specified containers.

(i) The act of manufacturing specified containers (excluding the act conducted based on entrustment (limited to those specified by the ordinance of the competent ministry; hereinafter the same shall apply in this paragraph) from other persons)

(ii) The act of importing specified containers (excluding the act conducted based on entrustment from other persons)

(iii) The act of entrusting other persons with the acts listed in the preceding two items

(11) The term "specified container users" as used in this Act shall mean business operators that use specified containers for goods they sell in their business (limited to profit-making business specified by the ordinance of the competent ministry; the same shall apply hereinafter), excluding those listed in the following.

(i) State

(ii) Local governments

(iii) Judicial persons established by the special act of establishment pursuant to a special act, or judicial persons established pursuant to a special act whose establishment requires approval of an administrative agency, which are specified by Cabinet Order.

(iv) Small sized enterprise operators prescribed in Article 2, paragraph 5 of the Small and Medium Sized Enterprise Basic Act (Act No. 154 of 1963) and those specified by Cabinet Order, whose net sales specified by Cabinet Order for the business year (in the cases where the period of the business year exceeds one year, each period of one year from the date of commencement of the period) do

not exceed the amount specified by Cabinet Order.

- (12) The term "specified container manufacturers, etc." as used in this Act shall mean business operators that conduct business such as the manufacture, etc. of specified containers, excluding those listed in the items of the preceding paragraph.
- (13) The term "specified packaging users" as used in this Act shall mean business operators that use specified packaging for goods they sell in their business, excluding those listed in the items of paragraph 11.

## **Chapter 2 Basic Policy, etc.**

### **Article 3 (Basic Policy)**

- (1) For the purpose of comprehensively and systematically promoting reduction of waste containers and packaging discharged and sorted collection thereof, and recycling, etc. of waste containers and packaging that conform to the sorting standards, the competent minister shall set a basic policy on the promotion, etc. of reduction of waste containers and packaging discharged and sorted collection thereof, and recycling of waste containers and packaging that conform to the sorting standards (hereinafter referred to as the "Basic Policy").
- (2) The Basic Policy shall set out the following matters.
  - (i) Basic direction of promotion, etc. of reduction of waste containers and packaging discharged and sorted collection thereof, and recycling of waste containers and packaging that conform to the sorting standards
  - (ii) Matters related to measures to promote the reduction of waste containers and packaging discharged
  - (iii) Matters related to the areas in which positive efforts should be made for sorted collection of waste containers and packaging, and matters related to measures to promote the sorted collection of waste containers and packaging
  - (iv) Matters related to smooth delivery and other proper management for recycling of waste containers and packaging collected by sorted collection
  - (v) Matters related to measures to promote recycling, etc. of waste containers and packaging that conform to the sorting standards
  - (vi) Matters related to the coordination that is considered necessary for smooth and efficient sorted collection of waste containers and packaging and recycling of waste containers and packaging that conform to the sorting standards
  - (vii) Matters pertaining to the dissemination of knowledge on the meaning of promoting the reduction of waste containers and packaging discharged and sorted collection thereof, and recycling, etc. of waste containers and packaging that conform to the sorting standards, as activity that contributes to

preservation of the environment

- (viii) Other important matters related to the promotion, etc. of reduction of waste containers and packaging discharged and sorted collection thereof, and recycling of waste containers and packaging that conform to the sorting standards
- (3) When the competent minister has set or changed the Basic Policy, he/she shall publicize this without delay.

#### **Article 4 (Responsibility of Business Operators and Consumers)**

Business operators and consumers shall endeavor to reduce waste containers and packaging discharged through rationalization of use of containers and packaging by using recyclable containers and packaging and reducing the excess use of containers and packaging. Business operators and consumers shall also endeavor to promote the sorted collection of waste containers and packaging and recycling, etc. of waste containers and packaging that conform to the sorting standards through use, etc. of things obtained by recycling waste containers and packaging that conform to the sorting standards or things using such things.

#### **Article 5 (Responsibility of the State)**

- (1) The state shall endeavor to take measures such as securing of funds necessary to promote reduction of waste containers and packaging discharged and sorted collection thereof, and recycling, etc. of waste containers and packaging that conform to the sorting standards.
- (2) The state, in procuring articles, shall give necessary consideration to promoting the utilization of things that contribute to reducing waste containers and packaging discharged or things obtained by recycling waste containers and packaging that conform to the sorting standards, or things using such things.
- (3) The state shall endeavor to take necessary measures, such as collection, organization and utilization of information on containers and packaging, and promotion of research and development and dissemination of the results of such research and development, which is designed to promote science and technology that contribute to promoting the reduction of waste containers and packaging discharged and sorted collection thereof, and recycling, etc. of waste containers and packaging that conform to the sorting standards.
- (4) The state shall increase public understanding of the promotion, etc. of reduction of waste containers and packaging discharged and sorted collection thereof, and recycling of waste containers and packaging that conform to the sorting standards through educational and publicity activities, and shall also endeavor to ask for public cooperation in actual implementation.

#### **Article 6 (Responsibility of Local Governments)**

- (1) The municipal governments shall endeavor to take measures necessary to carry out sorted collection of waste containers and packaging in their areas.
- (2) The prefectural governments shall endeavor to provide the municipal governments with necessary technical assistance to ensure the responsibility set forth in the preceding paragraph be sufficiently fulfilled.
- (3) The prefectural and municipal governments shall endeavor to take measures necessary to promote the reduction of waste containers and packaging discharged and recycling, etc. of waste containers and packaging that conform to the sorting standards, pursuant to state policy.

### **Chapter 3 Recycling Plan**

#### **Article 7**

- (1) The competent minister shall set a five-year plan for recycling of waste containers and packaging that conform to the sorting standards every three years (hereinafter referred to as the "Recycling Plan") in line with the Basic Policy and pursuant to the provision of the ordinance of the competent ministry.
- (2) The Recycling Plan shall set out the following matters with regard to each kind of waste containers and packaging that conform to the specified sorting standards.
  - (i) Prospective amount of the waste containers and packaging that conform to the specified sorting standards, which are recycled in each fiscal year
  - (ii) Matters related to the establishment of a facility for recycling the waste containers and packaging that conform to the specified sorting standards
  - (iii) Matters related to specific measures for recycling the waste containers and packaging that conform to the specified sorting standards
  - (iv) Other important matters concerning the implementation of recycling of the waste containers and packaging that conform to the specified sorting standards
- (3) When the competent minister has set or changed a Recycling Plan, he/she shall publicize this without delay.

### **Chapter 4 Reduction of Discharge**

#### **Article 7-2 (Officials in Charge of Promotion of Reduction of Waste Containers and Packaging Discharged)**

- (1) The Minister of the Environment may commission persons who have enthusiasm for and insight on the promotion of activities to reduce waste containers and packaging discharged to the officials in charge of promotion of reduction of waste containers and packaging discharged.
- (2) The officials in charge of promotion of reduction of waste containers and

packaging discharged shall conduct the following activities.

- (i) Enlightening the public about the state of discharge of waste containers and packaging and the importance of efforts to reduce waste containers and packaging discharged through coordination between business operators and consumers
  - (ii) Conducting surveys on the state of discharge of waste containers and packaging and efforts to reduce the discharge, and providing consumers with guidance and advice based on the surveys at their request
  - (iii) Providing necessary cooperation for policies taken by the state or local governments to promote the reduction of waste containers and packaging discharged
- (3) The Minister of the Environment shall endeavor to take necessary measures, including provision of information, to support activities to reduce waste containers and packaging discharged, which are conducted by the officials in charge of promotion of reduction of waste containers and packaging discharged.

**Article 7-3 (Collection, Organization and Provision, etc. of Information by the Minister of the Environment)**

- (1) The Minister of the Environment shall endeavor to collect, organize and provide information obtained through surveys conducted by the officials in charge of promotion of reduction of waste containers and packaging discharged pursuant to the provision of paragraph 2, item 2 of the preceding article and other information whose dissemination will contribute to reduction of waste containers and packaging discharged.
- (2) The Minister of the Environment shall every fiscal year conduct surveys on the amount, etc. of waste containers and packaging discharged and publicize the results of the surveys as basic materials for promoting reduction of waste containers and packaging discharged.

**Article 7-4 (Standards of Judgment for Business Operators)**

- (1) For the purpose of promoting reduction of waste containers and packaging discharged, the competent minister shall establish, in the ordinance of the ministry, the standards of judgment for business operators with regard to measures to be taken by business operators, which use containers and packaging in their business and conduct business specified by Cabinet Order as a business type for which reduction of excessive use of containers and packaging and other rationalization of use of containers and packaging are particularly necessary (hereinafter referred to as the "Designated Container/Packaging Users"), in order to promote reduction of waste containers and packaging discharged through rationalization of use of containers and packaging.

- (2) The standards of judgment prescribed in the preceding paragraph shall be established in line with the Basic Policy and by taking into consideration the state of rationalization of use of containers and packaging, the technical level related to the rationalization of use of containers and packaging, and other circumstances. Necessary revisions shall be made on the standards depending on the change in these circumstances.
- (3) When the competent minister intends to establish the standards of judgment prescribed in paragraph 1, he/she shall confer with the Minister of the Environment in advance. The same shall apply when the competent minister intends to change or abolish the standards.
- (4) The Minister of the Environment may, when he/she finds this necessary in order to promote reduction of waste containers and packaging discharged, state his/her opinion on the standards of judgment prescribed in paragraph 1 to the competent minister.

#### **Article 7-5 (Guidance and advice)**

The competent minister may, when he/she finds this necessary in order to promote reduction of waste containers and packaging discharged, provide the Designated Container/Packaging Users with necessary guidance and advice with regard to promotion of reduction of waste containers and packaging discharged through rationalization of use of containers and packaging, by taking into consideration the standards of judgment prescribed in paragraph 1 of the preceding article.

#### **Article 7-6 (Periodic Report)**

The Designated Container/Packaging Users (limited to specified container users, or specified packaging users) for which the amount of containers and packaging used in the business meets the requirements specified by Cabinet Order (hereinafter referred to as the "Large Container/Packaging Users") shall report to the competent minister the matters specified by the ordinance of the competent ministry with regard to the amount of containers and packaging used and the state of implementation of measures they have worked on to promote reduction of waste containers and packaging discharged through rationalization of use of containers and packaging, every fiscal year pursuant to the provision of the ordinance of the competent ministry.

#### **Article 7-7 (Recommendation and Order)**

- (1) The competent minister may, when he/she finds the state of promotion of reduction of waste containers and packaging discharged through rationalization of use of containers and packaging by a Large Container/Packaging User to be significantly insufficient in light of the standards of judgment prescribed in Article

7-4, paragraph 1, recommend, while presenting grounds for his/her judgment, the Large Container/Packaging User to take measures necessary to promote reduction of waste containers and packaging discharged through rationalization of use of containers and packaging.

- (2) When the Large Container/Packaging User that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, the competent minister may publicize this.
- (3) In the cases where the Large Container/Packaging User that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without any justifiable grounds even after the competent minister has publicized that the Large Container/Packaging User has not followed the recommendation pursuant to the provision of the preceding paragraph, the competent minister may, when he/she finds promotion of reduction of waste containers and packaging discharged through rationalization of use of containers and packaging to be harmed, order the Large Container/Packaging User to take measures pertaining to the recommendation after hearing the opinions of councils, etc. (meaning organs prescribed in Article 8 of the National Administrative Organization Act (Act No. 120 of 1948)) specified by Cabinet Order.

## **Chapter 5 Sorted Collection**

### **Article 8 (Municipal Sorted Collection Plan)**

- (1) When the municipal government intends to carry out sorted collection of waste containers and packaging, it shall set a five-year plan for the sorted collection of waste containers and packaging within its area (hereinafter referred to as the "Municipal Sorted Collection Plan") every three years, pursuant to the provision of the Ordinance of the Ministry of the Environment.
- (2) The Municipal Sorted Collection Plan shall set out the following matters with regard to the sorted collection of waste containers and packaging within the area of the municipality.
  - (i) Prospective amount of waste containers and packaging discharged for each fiscal year
  - (ii) Matters related to measures to promote reduction of waste containers and packaging discharged
  - (iii) Kinds of waste containers and packaging subject to sorted collection and classification for sorting pertaining to collection of the waste containers and packaging
  - (iv) Amount of waste containers and packaging that conform to the sorting standards, which is collected in each fiscal year, by kind of waste containers and

packaging that conform to the specified sorting standards, and prospective amount of waste specified by the ordinance of the competent ministry as prescribed in Article 2, paragraph 6

- (v) Basic matters related to business operators that carry out sorted collection
  - (vi) Matters related to improvement of facilities provided for use of sorted collection
  - (vii) Other important matters related to implementation of sorted collection of waste containers and packaging
- (3) The Municipal Sorted Collection Plan shall be set in line with the Basic Policy and by taking into consideration the Recycling Plan, and shall conform to the MSW Disposal Plan set by the municipal government pursuant to the provision of Article 6, paragraph 1 of the Waste Management Act.
- (4) When the municipal government has set or changed a Municipal Sorted Collection Plan, it shall submit the plan to the prefectural governor and publicize this without delay.
- (5) When the prefectural governor receives submission of a Municipal Sorted Collection Plan pursuant to the provision of the preceding paragraph, he/she may provide the relevant municipal government with advice on the implementation of sorted collection and other necessary assistance.

#### **Article 9 (Prefectural Sorted Collection Promotion Plan)**

- (1) The prefectural government shall set a five-year plan for promotion of sorted collection of waste containers and packaging within its area (hereinafter referred to as the "Prefectural Sorted Collection Promotion Plan) every three years, pursuant to the provision of the Ordinance of the Ministry of the Environment.
- (2) The Prefectural Sorted Collection Promotion Plan shall set out the following matters with regard to promotion of sorted collection of waste containers and packaging within the area of the prefecture.
- (i) Regarding waste containers and packaging within the area of the prefecture, the prospective amount of discharge with respect to each municipality in each fiscal year, and the amount obtained by totaling the prospective amounts of discharge for all municipalities in the prefecture
  - (ii) Regarding waste containers and packaging that conform to the sorting standards collected within the area of the prefecture, the prospective amount of each kind of waste containers and packaging that conform to the specified sorting standards collected with respect to each municipality in each fiscal year, and the amount of each kind of waste containers and packaging that conform to the specified sorting standards in each fiscal year, which is obtained by totaling the prospective amounts for all municipalities in the prefecture
  - (iii) Regarding waste specified by the ordinance of the competent ministry as

prescribed in Article 2, paragraph 6, which is obtained within the area of the prefecture, the prospective amount of such waste with respect to each municipality in each fiscal year, and the amount obtained by totaling the prospective amounts for all municipalities in the prefecture

- (iv) Matters related to promotion of sorted collection, such as dissemination of knowledge on the meaning of reduction of waste containers and packaging discharged and promotion of sorted collection as well as promotion of exchange of information on sorted collection among municipalities within the area of the prefecture
- (3) The Prefectural Sorted Collection Promotion Plan shall be set in line with the Basic Policy and by taking into consideration the Recycling Plan.
- (4) The Prefectural Sorted Collection Promotion Plan (limited to the part pertaining to items 1 to 3 inclusive of paragraph 2) shall conform to the Municipal Sorted Collection Plans set by the municipal governments within the area of the prefecture (limited to the part pertaining to paragraph 2, items 1 and 4 of the preceding article).
- (5) When the prefectural government has set or changed a Prefectural Sorted Collection Promotion Plan, it shall submit the plan to the Minister of the Environment and publicize this without delay.
- (6) When the Minister of the Environment receives submission of Prefectural Sorted Collection Promotion Plans from all prefectures pursuant to the provision of the preceding paragraph, he/she shall publicize the total amount of each kind of waste containers and packaging that conform to the specified sorting standards in each fiscal year, which is obtained by totaling the amounts of each kind of waste containers and packaging that conform to the specified sorting standards prescribed in paragraph 2, item 2.
- (7) When the Minister of the Environment receives submission of a Prefectural Sorted Collection Promotion Plan pursuant to the provision of paragraph 5, he/she may provide the prefectural government with advice and other necessary assistance.

**Article 10 (Sorted Collection of Waste Containers and Packaging, etc.)**

- (1) When the municipal government sets a Municipal Sorted Collection Plan, it shall carry out sorted collection of waste containers and packaging in accordance with the plan.
- (2) When the municipal government carries out sorted collection of waste containers and packaging, it shall set sorting standards which those who discharge waste containers and packaging within the area of the municipality should observe and shall take measures necessary to make the standards public.
- (3) When sorting standards prescribed in the preceding paragraph have been set,

those who discharge waste containers and packaging within the area of the municipality shall discharge waste containers and packaging by properly sorting them in accordance with the standards.

- (4) The municipal government which sets sorting standards prescribed in paragraph 2 shall endeavor to take measures necessary to promote those who discharge waste containers and packaging within the area of the municipality to discharge waste containers and packaging by properly sorting them in accordance with the sorting standards.

#### **Article 10-2 (Payment of Money to the Municipal Government)**

When the amount calculated, pursuant to the provision of the ordinance of the competent ministry, as the total amount of expenses actually required for recycling falls below the amount calculated, pursuant to the provision of the ordinance of competent ministry, as the total amount of expenses prospected to be required for recycling, a designated juridical person (meaning designated juridical person prescribed in Article 21, paragraph 1; the same shall apply in Article 14 and Article 15, paragraph 1) or a recognized designated manufacturer/user (meaning recognized designated manufacturer/user prescribed in Article 16, paragraph 1), which that has received delivery of waste containers and packaging that conform to the specified sorting standards from a municipal government, shall pay to the municipal government, out of the amount corresponding to difference in expenses, the money of the amount calculated pursuant to the provision of the ordinance of the competent ministry by taking into consideration the degree of contribution to rationalization of recycling by each municipal government, pursuant to the provision of the ordinance of the competent ministry.

### **Chapter 6 Implementation of Recycling**

#### **Article 11 (Recycling Obligation of Specified Container Users)**

- (1) Pursuant to the provision of the ordinance of the competent ministry, specified container users shall recycle, every fiscal year, the obligatory recycling amount of waste containers and packaging that conform to the specified sorting standards pertaining to the Classification of Containers and Packaging to which specified containers (excluding specified containers pertaining to recognition set forth in Article 18, paragraph 1 and specified containers pertaining to goods exported from Japan; hereinafter the same shall apply in this article, excluding (b) of item 2 of the following paragraph) used in their business belong.
- (2) The obligatory recycling amount set forth in the preceding paragraph shall be the amount corresponding to the amount obtained by multiplying the amount

listed in item 1 by the rate listed in item 2 with respect to each kind of waste containers and packaging that conform to the specified sorting standards.

(i) The amount obtained by multiplying the total obligatory recycling amount by the ratio set by the competent minister as the ratio of the amount to be recycled by a specified container user or a specified container manufacturer, etc. in the total obligatory recycling amount

(ii) The rate obtained by totaling rates calculated by multiplying the rate, which is obtained by multiplying the ratio listed in (a) by the rate listed in (b), by the rate obtained by dividing the amount listed in (c) by the amount listed in (d) with respect to each business type specified by the ordinance of the competent ministry to which businesses, which the specified container user conducts by using specified containers pertaining to the waste containers and packaging that conform to the specified sorting standards, belongs

(a) The ratio set by the competent minister as the ratio of the amount to be recycled by a specified container user, which uses the specified containers in the business that belongs to the business type, or a specified container manufacturer, etc., which manufactures, etc. the specified containers used in the business that belongs to the business type, in the amount listed in the preceding item

(b) The rate set by the competent minister based on the rate obtained by dividing the total prospective sales of goods using the specified containers in the business that belongs to the business type in the fiscal year by the sum of the said total prospective sales and the total prospective sales of the specified containers manufactured, etc., which are used in the business that belongs to the business type, in the fiscal year

(c) The amount calculated, pursuant to the provision of the ordinance of the competent ministry, as the amount prospected to be discharged as waste containers and packaging out of the amount of the specified containers which the specified container user uses for goods sold in the fiscal year in the business that belongs to the business type

(d) The amount set by the competent minister as the amount prospected to be discharged as waste containers and packaging out of the amount of the specified containers which all specified container users use for goods sold in the fiscal year in the business that belongs to the business type

(3) The total obligatory recycling amount set forth in item 1 of the preceding paragraph shall be the amount set by the competent minister based on the amount obtained by totaling the amount obtained by multiplying the total amount prescribed in Article 9, paragraph 6 of the waste containers and packaging that conform to the specified sorting standards in the fiscal year by the rate of responsibility of the designated manufacturer/user (meaning the ratio set by the

competent minister as the ratio of the amount to be recycled by specified container users, specified container manufacturers, etc. or specified packaging users (hereinafter referred to as the "Designated Manufacturer/Users") in the amount of the waste containers and packaging that conform to the specified sorting standards; hereinafter the same shall apply in this paragraph) and the amount calculated, pursuant to the provision of the ordinance of the competent ministry, as the amount to be recycled by the Designated Manufacturers/Users in the fiscal year out of the amount of waste containers and packaging that conform to the specified sorting standards obtained by the end of the previous fiscal year of the relevant fiscal year which have not been recycled (if that amount exceeds the amount obtained by multiplying the amount listed in Article 7, paragraph 2, item 1 of waste containers and packaging that conform to the specified sorting standards in the fiscal year by the rate of responsibility of the Designated Manufacturer/User, that amount obtained by multiplying the amount and the rate).

**Article 12 (Recycling Obligation of Specified Container Manufacturers, etc.)**

- (1) Pursuant to the provision of the ordinance of the competent ministry, specified container manufacturers, etc. shall, every fiscal year, recycle the obligatory recycling amount of waste containers and packaging that conform to the specified sorting standards pertaining to the Classification of Containers and Packaging to which the specified containers manufactured, etc. (excluding specified containers pertaining to recognition set forth in Article 18, paragraph 1 and specified containers exported from Japan; hereinafter the same shall apply in this article) belong.
- (2) The obligatory recycling amount set forth in the preceding paragraph shall be the amount corresponding to the amount obtained by multiplying the amount listed in item 1 by the rate listed in item 2 with respect to each kind of waste containers and packaging that conform to the specified sorting standards.
  - (i) The amount listed in paragraph 2, item 1 of the preceding article
  - (ii) The rate obtained by totaling rates calculated by multiplying the rate, which is obtained by multiplying the rate listed in (a) by the rate listed in (b), by the rate obtained by dividing the amount listed in (c) by the amount listed in (d) with respect to each business type specified by the ordinance of the competent ministry prescribed in paragraph 2, item 2 of the preceding article to which the business, in which specified containers pertaining to the waste containers and packaging that conform to the specified sorting standards, which the specified container manufacturer, etc. manufactures, etc., are used, belongs.
    - (a) The ratio listed in paragraph 2, item 2 (a) of the preceding article
    - (b) The rate obtained by deducting the rate listed in paragraph 2, item 2 (b) of

the preceding article from one

(c) The amount calculated, pursuant to the provision of the ordinance of the competent ministry, as the amount prospected to be discharged as waste containers and packaging out of the amount sold in the fiscal year of the specified containers, which the specified container manufacturer, etc. manufactures, etc., which are used in the business that belongs to the business type

(d) The amount set by the competent minister as the amount prospected to be discharged as waste containers and packaging out of the amount sold in the fiscal year of the specified containers, which all specified container manufacturers, etc. manufacture, etc., which are used in the business that belongs to the business type

### **Article 13 (Recycling Obligation of Specified Packaging Users)**

- (1) Pursuant to the provision of the ordinance of the competent ministry, specified packaging users shall, every fiscal year, recycle the obligatory recycling amount of waste containers and packaging that conforms to the specified sorting standards pertaining to the Classification of Containers and Packaging to which the specified packaging used in the business (excluding specified packaging pertaining to recognition set forth in Article 18, paragraph 1 and specified packaging pertaining to goods exported from Japan; hereinafter the same shall apply in this article) belong.
- (2) The obligatory recycling amount set forth in the preceding paragraph shall be the amount corresponding to the amount obtained by multiplying the amount listed in item 1 by the rate obtained by dividing the amount listed in item 2 by the amount listed in item 3.
  - (i) The amount obtained by deducting the amount listed in Article 11, paragraph 1, item 1 from the total obligatory recycling amount set forth in the same item
  - (ii) The amount calculated, pursuant to the provision of the ordinance of the competent ministry, as the amount prospected to be discharged as waste containers and packaging out of the amount of specified packaging pertaining to the waste containers and packaging that conform to the specified sorting standards, which the specified container user uses for goods sold in the fiscal year in the business
  - (iii) The amount specified by the competent minister as the amount prospected to be discharged as waste containers and packaging out of the amount of the specified packaging, which all specified packaging users use for goods sold in the fiscal year in the business

**Article 14 (Case in which a Designated Manufacturer/User is Deemed to Have Conducted Recycling)**

When a Designated Manufacturer/User has concluded a recycling contract prescribed in Article 23, paragraph 1 with a designated juridical person in regard to the recycling of all or part of the obligatory recycling amount prescribed in the preceding three articles and has performed its own obligation based on the contract, the Designated Manufacturer/User shall be deemed to have recycled the entrusted amount of waste containers and packaging that conform to the specified sorting standard.

**Article 15 (Recognition of Recycling)**

- (1) When a Designated Manufacturer/User intends to recycle all or part of the obligatory recycling amount prescribed in Articles 11 to 13 inclusive (including the cases where it intends to conduct recycling through entrustment to one other than a designated juridical person), it shall obtain from the competent minister recognition to the effect that it conforms to all of the following items, pursuant to the provision of the ordinance of the competent ministry.
  - (i) The person who conducts acts necessary for the recycling conforms to the standards specified by the ordinance of the competent ministry
  - (ii) The person prescribed in the preceding item has a facility that conforms to the standards specified by the ordinance of the competent ministry.
  - (iii) The amount listed in item 5 of the next paragraph pertaining to the recycling conforms to the local standards for waste containers and packaging that conform to the specified sorting standards, which are specified by the ordinance of the competent ministry.
- (2) A Designated Manufacturer/User which intends to obtain the recognition set forth in the preceding paragraph shall, pursuant to the provision of the ordinance of the competent ministry, submit to the competent minister a written application in which the following matters are described and other documents specified by the ordinance of the competent ministry.
  - (i) Name or denomination and address, and for a juridical person, the name of its representative
  - (ii) Specified containers used in the business, the kind and amount of specified containers manufactured, etc. in the business or specified packaging used in the business, and the Classification of Containers and Packaging to which the specified containers or the specified packaging belong
  - (iii) The obligatory recycling amount prescribed in Articles 11 to 13 inclusive of waste containers and packaging that conform to the specified sorting standards pertaining to the Classification of Containers and Packaging set forth in the preceding item

- (iv) Waste containers and packaging that conform to the specified sorting standards to be recycled pertaining to the recognition
  - (v) The amount of waste containers and packaging that conform to the specified sorting standards set forth in the preceding item and the amount thereof by municipality
  - (vi) The person who conducts acts necessary for recycling pertaining to the recognition and a facility provided for use of the recycling
- (3) The competent minister shall, when he/she finds that recycling pertaining to an application for recognition set forth in paragraph 1 conforms to all items of the same paragraph, give the recognition set forth in the same paragraph.

**Article 16 (Recognition of a Change)**

- (1) When a Designated Manufacturer/User which has obtained recognition set forth in paragraph 1 of the preceding article (hereinafter referred to as the "Recognized Designated Manufacturer/User") intends to change matters listed in items 3 to 6 inclusive of paragraph 2 of the same article (excluding minor changes specified by the ordinance of the competent ministry), it shall obtain recognition from the competent minister.
- (2) The provision of paragraphs 2 and 3 of the preceding article shall apply mutatis mutandis to recognition of a change set forth in the preceding paragraph.

**Article 17 (Rescission of Recognition)**

The competent minister may, when he/she finds that recycling pertaining to recognition set forth in Article 15, paragraph 1 has become impossible to conform to any of the items of the same paragraph or when a Recognized Designated Manufacturer/User has not paid money prescribed in Article 10-2, rescind the recognition.

**Article 18 (Recognition of Voluntary Collection)**

- (1) When a Designated Manufacturer/User voluntarily collects specified containers it uses, specified containers it manufactures, etc., or specified packaging it uses, or collects them through entrustment to another person, it may offer that effect to the competent minister in order to obtain recognition to the effect that the method of collecting specified containers or specified packaging it adopts is appropriate to achieve a collection rate specified by the ordinance of the competent ministry.
- (2) The competent minister shall, when he/she has given recognition pursuant to the provision of the preceding paragraph, publicly notify the name and address of the Designated Manufacturer/User which received the recognition and the kind and amount of specified containers or specified packaging collected and the method of collection.

- (3) A Designated Manufacturer/User which has obtained recognition pursuant to the provision of paragraph 1 shall report to the competent minister the state of implementation of collection pertaining to the recognition, pursuant to the provision of the ordinance of the competent ministry.
- (4) The competent minister may, when he/she finds that the method of collection pertaining to the recognition set forth in paragraph 1 has become inappropriate to achieve the collection rate specified by the ordinance of the competent ministry prescribed in the same paragraph, rescind the recognition.
- (5) The provision of paragraph 2 shall apply *mutatis mutandis* to rescission of recognition pursuant to the provision of the preceding paragraph. In this case, the term "kind and amount of specified containers or specified packaging collected and the method of collection" in paragraph 2 shall be deemed to be replaced with "kind of specified containers or specified packaging."

#### **Article 19 (Guidance and Advice)**

The competent minister may, when he/she finds this necessary to ensure implementation of recycling of the obligatory recycling amount prescribed in Articles 11 to 13 inclusive, provide a Designated Manufacture/User with necessary guidance and advice with regard to the implementation of the recycling.

#### **Article 20 (Recommendation and Order)**

- (1) The competent minister may, when a Designated Manufacturer/User does not conduct recycling prescribed in the preceding article without any justifiable grounds, recommend the Designated Manufacturer/User to conduct the recycling.
- (2) The competent minister may, when the Designated Manufacturer/User that has received a recommendation prescribed in the preceding paragraph does not follow the recommendation, publicize this.
- (3) In the cases where the Designated Manufacturer/User that has received a recommendation prescribed in paragraph 1 does not take any measures pertaining to the recommendation without any justifiable grounds even after the competent minister has publicized that the Designated Manufacturer/User has not followed the recommendation pursuant to the provision of the preceding paragraph, the competent minister may order the Designated Manufacturer/User to take measures pertaining to the recommendation.

### **Chapter 7 Designated Juridical Person**

#### **Article 21 (Designation, etc.)**

- (1) The competent minister may designate a juridical person pursuant to the

provision of Article 34 of the Civil Code (Act No. 89 of 1954), which is recognized as being able to conduct business prescribed in the next article (hereinafter referred to as the "Recycling Business") in a proper and reliable manner, as a judicial person which conducts the Recycling Business (hereinafter referred to as the "Designated Juridical Person") upon application from the juridical person.

- (2) When the competent minister has designated a juridical person pursuant to the provision of the preceding paragraph, he/she shall publicly notify the name and address of the Designated Juridical Person and the office address thereof.
- (3) When a Designated Juridical Person intends to change its name and address, and office address, it shall notify the competent minister of this in advance.
- (4) When the competent minister has received a notification pursuant to the provision of the preceding paragraph, he/she shall publicly notify the matters pertaining to the notification.

#### **Article 22 (Business)**

Designated Juridical Persons shall conduct recycling of waste containers and packaging that conform to the sorting standards upon entrustment by Designated Manufacturers/Users.

#### **Article 23 (Entrustment of Business)**

- (1) Designated Juridical Persons may entrust bodies specified by Cabinet Order, in which the Designated Manufacturers/Users participate, with part of the business necessary for the conclusion of a contract pertaining to the entrustment set forth in the preceding article (hereinafter referred to as the "Recycling Contract") and the acceptance of commission pertaining to the entrustment (hereinafter referred to as the "Commission"), with the approval of the competent minister.
- (2) In the case where the competent minister has given the approval set forth in the preceding paragraph, the body specified by Cabinet Order set forth in the same paragraph may conduct the business upon entrustment pursuant to the provision of the same paragraph, notwithstanding the provisions of other acts.

#### **Article 24 (Rules of Recycling Business)**

- (1) When a Designated Juridical Person conducts the Recycling Business, it shall set the rules of recycling business with regard to the method of conducting the Recycling Business, the method of calculating the amount of the Commission and other matters specified by the ordinance of the competent ministry and receive the approval of the competent minister in advance of commencement of the Recycling Business. The same shall apply when it intends to change the rules of recycling business.
- (2) The competent minister shall, when he/she finds that an application for

approval set forth in the preceding paragraph conforms to all of the following items, give the approval set forth in the same paragraph.

- (i) The application specifies the method of conducting the Recycling Business and the method of calculating the amount of the Commission in a proper and clear manner.
  - (ii) The application specifies the responsibility of a Designated Juridical Person and a body which concludes a Recycling Contract or a contract on the recycling of waste containers and packaging that conform to the sorting standards with the Designated Juridical Person, and matters related to the acceptance of the Commission in a proper and clear manner.
  - (iii) The application does not provide specific persons with unjust discriminatory treatment.
  - (iv) The application is not likely to unjustly harm the interests of related business operators and general consumers.
- (3) The competent minister may, when he/she finds that the rules of recycling business given approval set forth in paragraph 1 have become inappropriate in terms of proper and reliable implementation of the Recycling Business, order the relevant Designated Juridical Person to change the rules of recycling business.

#### **Article 25 (Business Plan, etc.)**

- (1) Designated Juridical Persons shall prepare a business plan and an income and expenditure budget document every business year pursuant to the provision of the ordinance of the competent ministry, and shall receive the approval thereof from the competent minister. The same shall apply when a Designated Juridical Person intends to change the business plan or the income and expenditure budget document.
- (2) A business plan shall describe, with respect to each kind of waste containers and packaging that conform to the specified sorting standards, the Commission and the amount to be recycled by each municipality.
- (3) Designated Juridical Persons shall, pursuant to the provision of the ordinance of the competent ministry, prepare a business plan and a statement of income and expenditure concerning the Recycling Business after the end of each business year and shall submit them to the competent minister.

#### **Article 26 (Suspension and Abolition of Business)**

Designated Juridical Persons shall not suspend or abolish all or part of the Recycling Business without receiving permission of the competent minister.

#### **Article 27 (Conclusion and Cancellation of a Contract)**

- (1) When an offeror of a Recycling Contract is a person who has concluded a

Recycling Contract in the past, Designated Juridical Persons shall not refuse conclusion of the Recycling Contract, excluding cases where there is the Commission relating to the person unpaid beyond the due date for payment or where there are other justifiable grounds specified by the ordinance of the competent ministry.

- (2) Designated Juridical Persons shall not cancel a Recycling Contract, excluding cases where a specified container user with which the Recycling Contract was concluded has stopped selling goods using the specified containers or where there are other justifiable grounds specified by the ordinance of the competent ministry.

#### **Article 28 (Confidentiality Obligation)**

An officer or employee of a Designated Juridical Person or a person who has been such an officer or employee shall not divulge any secret that he/she has come to know with regard to the Recycling Business.

#### **Article 29 (Books)**

Designated Juridical Persons shall, pursuant to the provision of the ordinance of the competent ministry, keep books, describe matters specified by the ordinance of the competent ministry with regard to the Recycling Business, and preserve those books.

#### **Article 30 (Report and On-site Inspection)**

- (1) The competent minister may, to the extent necessary for ensuring proper operation of the Recycling Business, have a Designated Juridical Person make necessary reports concerning the Recycling Business or the state of assets or have an official of the ministry enter the office of the Designated Juridical Person and inspect the state of the Recycling Business, or books, documents and other objects.
- (2) The official who conducts on-site inspection pursuant to the provision of the preceding paragraph shall carry a certificate for identification and present it to the persons concerned.
- (3) The authority for on-site inspection pursuant to the provision of paragraph 1 shall not be construed as being granted for criminal investigation.

#### **Article 31 (Supervision Order)**

The competent minister may, to the extent necessary for enforcing the provisions of this chapter, give a Designated Juridical Person orders necessary for supervision with regard to the Recycling Business.

#### **Article 32 (Rescission of Designation, etc.)**

- (1) The competent minister may rescind designation pursuant to the provision of

Article 21, paragraph 1 (hereinafter referred to as the "Designation" in this article) when a Designated Juridical Person falls under any of the following items.

- (i) When the Designated Juridical Person is found to be unable to conduct the Recycling Business in a proper and reliable manner
  - (ii) When the designation involved a wrongful act
  - (iii) When the Designated Juridical Person has not paid money prescribed in Article 10-2
  - (iv) When the Designated Juridical Person has violated the provisions of this chapter or an order or a disposition pursuant to the provisions, or has conducted Recycling Business not complying with the rules of recycling business prescribed in Article 24, paragraph 1, which were given approval set forth in the same paragraph.
- (2) When the competent minister has rescinded designation pursuant to the provision of the preceding paragraph, he/she shall publicly notify this.

## **Chapter 8 Miscellaneous Provisions**

### **Article 33 (Measures Taken by the State, etc.)**

In accordance with the purpose of this Act, those listed in items 1 to 3 inclusive of paragraph 11 of Article 2 shall endeavor to take measures necessary to ensure the proper treatment of waste and the effective utilization of resources with regard to the waste containers and packaging that conform to the specified sorting standards pertaining to the Classification of Containers and Packaging to which the containers and packaging used in the business belong.

### **Article 34 (Reflection of Expenses Required for Recycling on Price)**

In view of the fact that it is important to reflect expenses required for recycling in the price of goods in order to reduce waste containers and packaging and achieve the effective utilization of resources pertaining to containers and packaging, the state shall endeavor to obtain public understanding and cooperation by making public the purpose and content of this Act through publicity activities, etc. in order to contribute to smooth and proper shifting of expenses.

### **Article 35 (Report Made by the Mayor of Municipality)**

The mayor of municipality which carries out sorted collection of waste containers and packaging may, when he/she finds a risk that waste containers and packaging that conform to the sorting standards pertaining to the sorted collection may not be recycled, report this to the competent minister pursuant to the provision of the ordinance of the competent ministry.

**Article 36 (Obligation to Utilize Things Obtained by Recycling)**

- (1) Pursuant to the provisions of the Act on the Promotion of Effective Utilization of Resources, business operators conducting business in which things obtained by recycling waste containers and packaging that conform to the sorting standards may be utilized shall be imposed the obligation to utilize these things.
- (2) Pursuant to the provisions of the Act on the Promotion of Effective Utilization of Resources, business operators using containers and packaging in business and business operators conducting the business of manufacturing, processing or selling containers and packaging shall be imposed the obligation to take measures to promote sorted collection of containers and packaging pertaining to the business, which have been discharged as waste containers and packaging, and to promote recycling of waste containers and packaging that conform to the sorting standards, which has been obtained through sorted collection.

**Article 37 (Special Provisions of the Waste Management Act, etc.)**

- (1) Designated Juridical Persons, Recognized Designated Manufacturers/Users or persons who conduct acts necessary for recycling of waste containers and packaging that conform to the sorting standards (limited to acts that fall under transport or recycle of municipal solid waste) upon entrustment by a Designated Juridical Person or a Recognized Designated Manufacturer/User in the course of trade ( for persons who are entrusted by a Recognized Designated Manufacturer/User, limited to those who fall under a person prescribed in Article 15, paragraph 2, item 6) may conduct the acts in the course of trade without permission pursuant to the provision of Article 7, paragraph 1 or paragraph 6 of the Waste Management Act, notwithstanding the provisions of these paragraphs.
- (2) Designated Juridical Persons shall comply with the standards specified by Cabinet Order in entrusting other persons with acts prescribed in the preceding paragraph.

**Article 38 (Books)**

Specified container users, specified container manufacturers, etc. and specified packaging users shall, pursuant to the provision of the ordinance of the competent ministry, keep books, describe matters specified by the ordinance of the competent ministry with regard to the sale of goods using specified containers, manufacture, etc. of specified containers, or sale of goods using specified packaging, and recycling of waste containers and packaging that conform to the sorting standards, and preserve those books.

**Article 39 (Collection of Report)**

To the extent necessary for enforcing this Act, the competent minister may, pursuant to the provision of a Cabinet Order, have specified container users, specified container manufacturers, etc. and specified packaging users report the status of business using specified containers, business such as the manufacture, etc. of specified containers, or business using specified packaging, and the status of recycling of waste containers and packaging that conform to the sorting standards.

**Article 40 (On-site Inspection)**

- (1) To the extent necessary for enforcing this Act, the competent minister may, pursuant to the provision of a Cabinet Order, have an official of the ministry enter the office, factory, workplace, or warehouse of a Designated Manufacturer/User to inspect books, documents and other objects.
- (2) The official who conducts on-site inspection pursuant to the provision of the preceding paragraph shall carry a certificate for identification and present it to the persons concerned.
- (3) The authority for on-site inspection pursuant to the provision of paragraph 1 shall not be construed as being granted for criminal investigation.

**Article 41 Deleted.**

**Article 42 (Conference)**

When the Minister of the Environment intends to set the Ordinance of the Ministry of the Environment set forth in Article 2, paragraph 6, he/she shall confer with the Minister of Economy, Trade and Industry, the Minister of Finance, the Minister of Health, Labour and Welfare, and the Minister of Agriculture, Forestry and Fisheries.

**Article 43 (Competent Minister, etc.)**

- (1) In this Act, the competent minister shall refer to the Minister of the Environment, the Minister of Economy, Trade and Industry, the Minister of Finance, the Minister of Health, Labour and Welfare and the Minister of Agriculture, Forestry and Fisheries; provided, however, that with regard to matters listed in the following items, the competent minister shall be the minister prescribed respectively in those items.
  - (i) Matters related to formulation of the standards of judgment pursuant to the provision of Article 7-4, paragraph 1, revision of the standards prescribed in paragraph 2 of the same article, guidance and advice prescribed in Article 7-5, acceptance of report pursuant to the provision of Article 7-6, recommendation prescribed in Article 7-7, paragraph 1, publication pursuant to the provision of paragraph 2 of the same article and order pursuant to paragraph 3 of the same

article, and collection of report pursuant to the provision of Article 39 and on-site inspection pursuant to the provision of Article 40: Minister who has jurisdiction over business conducted by the Designated Container/Packaging User by using containers and packaging

- (ii) Matters related to decision of the rate pursuant to the provision of Article 11, paragraph 2, item 2 (b), decision of the amount pursuant to the provision of (d) of the same item, decision of the amount pursuant to the provision of Article 13, paragraph 2, item 3, recognition prescribed in paragraphs 1 and 3 of Article 15, receipt of documents pursuant to the provision of paragraph 2 of the same article, recognition of a change prescribed in Article 16, paragraph 1, rescission of recognition pursuant to the provision of Article 17, recognition prescribed in Article 18, paragraph 1, public notice pursuant to the provision of paragraph 2 of the same article (including the cases where it is applied *mutatis mutandis* pursuant to paragraph 5 of the same article), acceptance of report pursuant to the provision of paragraph 3 of the same article, rescission of recognition pursuant to the provision of paragraph 4 of the same article, guidance and advice prescribed in Article 19, recommendation prescribed in Article 20, paragraph 1, publication pursuant to the provision of paragraph 2 of the same article and order pursuant to the provision of paragraph 3 of the same article, and collection of report pursuant to the provision of Article 39 and on-site inspection pursuant to the provision of Article 40 (excluding that listed in the preceding item): Minister of the Environment, Minister of Economy, Trade and Industry, and minister who has jurisdiction over business conducted by the specified container user or specified packaging user by using the specified containers or specified packaging, or business such as the manufacture, etc. of specified containers conducted by the specified container manufacturer, etc.
  - (iii) Matters related to decision of the amount pursuant to the provision of Article 12, paragraph 2, item 2 (d) and report made by the mayor of the municipality pursuant to the provision of Article 35: Minister of the Environment and Minister of Economy, Trade and Industry
- (2) The authority of the competent minister pursuant to the provision of Articles 39 and 40 shall not preclude the Minister of the Environment, the Minister of Economy, Trade and Industry, or the minister who has jurisdiction over business conducted by the specified container user or the specified packaging user by using the specified containers or specified packaging, or business such as the manufacture, etc. of specified containers conducted by the specified container manufacturer from unilateral enforcement, notwithstanding the provision of the proviso of the preceding paragraph (limited to the part pertaining to item 2).
- (3) In this Act, the ordinance of the competent ministry shall refer to orders issued by the Minister of the Environment, the Minister of Economy, Trade and Industry,

the Minister of Finance, the Minister of Health, Labour and Welfare and the Minister of Agriculture, Forestry and Fisheries; provided, however, that the ordinances of the competent ministry listed in the following items shall be as prescribed respectively in those items.

- (i) Ordinance of the competent ministry set forth in Article 7-4, paragraph 1 and Article 7-6: Order issued by a minister who has jurisdiction over business conducted by the Designated Container/ Packaging User by using containers and packaging
  - (ii) Ordinance of the competent ministry set forth in Article 11, paragraph 2, item 2 (c), Article 13, paragraph 2, item 2, and items 1 to 3 inclusive of paragraph 1 of Article 15: Order issued by the Minister of the Environment, the Minister of Economy, Trade and Industry, and a minister who has jurisdiction over business conducted by the specified container user or the specified packaging user by using the specified containers or the specified packaging, or business such as the manufacture, etc. of specified containers conducted by the specified container manufacturer
  - (iii) Ordinance of the competent ministry set forth in Article 2, paragraph 10, item 1, Article 12, paragraph 1, Article 12, paragraph 2, item 2 (c), and Article 35: Order issued by the Minister of the Environment and the Minister of Economy, Trade and Industry
- (4) The prefectural governor may conduct, pursuant to the provision of a Cabinet Order, some of the affairs that come under the authority of the competent minister pursuant to the provision of Articles 39 and 40.
- (5) The part of the authority of the competent minister pursuant to the provision of Articles 7-6, 39 and 40 may be delegated to the head of a local branch office pursuant to the provision of a Cabinet Order.

#### **Article 44 (Hearing of Opinions)**

The competent minister shall, when he/she finds this necessary in setting the ordinance of the competent ministry, ratio, rate or amount prescribed in Articles 10-2 to 13 inclusive or in giving approval set forth in Article 24, paragraph 1 or Article 25, paragraph 1, hear the opinions of relevant business operators and other stakeholders.

#### **Article 45 (Transitional Measures)**

In the case of establishment, or revision or abolition of an order pursuant to the provision of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set in the order to the extent considered reasonably necessary along with the establishment, or revision or abolition.

## **Chapter 9 Penal Provisions**

### **Article 46**

A Designated Manufacturer/User which has violated an order pursuant to the provision of Article 20, paragraph 3 shall be punished by a fine of not more than 1,000,000 yen.

### **Article 46-2**

A Large Container/Packaging User which has violated an order pursuant to the provision of Article 7-7, paragraph 3 shall be punished by a fine of not more than 500,000 yen.

### **Article 47**

When a Designated Juridical Person falls under any of the following items, the officer or employee of the Designated Juridical Person which has committed the violation shall be punished by a fine of not more than 300,000 yen.

- (i) When the Designated Juridical Person has abolished the entire Recycling Business without permission set forth in Article 26
- (ii) When the Designated Juridical Person has not made book entries pursuant to the provision of Article 29, has made a false entry, or has not preserved the books
- (iii) When the Designated Juridical Person has not made reports pursuant to the provision of Article 30, paragraph 1 or has made a false report
- (iv) When the Designated Juridical Person has refused, interfered with or avoided inspections set forth in Article 30, paragraph 1

### **Article 48**

Business operators which fall under any of the following items shall be punished by a fine of not more than 200,000 yen.

- (i) A business operator which has not made reports pursuant to the provision of Article 7-6 or Article 39, or has made a false report
- (ii) A business operator which has not kept books pursuant to the provision of Article 38, has made a false entry, or has not preserved books
- (iii) A business operator which has refused, interfered, or avoided inspections pursuant to the provision of Article 40, paragraph 1

### **Article 49**

When the representative of a juridical person, or the agent, employee or other

worker of a juridical person or an individual has committed a violation set forth in Articles 46 to 48 inclusive with regard to the business of the said juridical person or individual, not only shall the offender be punished but the said juridical person or individual shall also be punished by the fine prescribed in the respective Articles.

### **Supplementary Provisions (Extract)**

#### **Article 1 (Effective Date)**

This Act shall come into force as of the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that provisions listed in the following items shall come into force as of the date listed respectively in those items.

- (i) Provisions of Articles 8 and 9: Date specified by Cabinet Order within a period not exceeding one year from the day of promulgation
- (ii) Provisions of Article 10, Chapter 5, Articles 33 to 36 inclusive, Articles 38 to 40 inclusive, Article 46, Article 48, and Article 5 of the Supplementary Provisions (limited to the revision provision adding one item after Article 6, item 27-2 of the Act for Establishment of the Ministry of Health and Welfare (Act No. 151 of 1949) (limited to the part pertaining to "recognizing recycling and rescinding recognition thereof, and recognizing voluntary collection of specified containers or specified packaging and rescinding recognition thereof"): Date specified by Cabinet Order within a period not exceeding two years from the day of promulgation

#### **Article 2 (Period of Exclusion from Application)**

- (1) The provisions of Articles 11 to 13 inclusive shall not apply to Designated Manufacturers/Users that fall under small and medium sized enterprise operators prescribed in Article 2, paragraph 1 of the Basic Act for Small and Medium Sized Enterprises or other persons specified by Cabinet Order until March 31, 2000.
- (2) The provisions of Chapters 3 to 5 inclusive, Article 33, and Articles 35 to 40 inclusive shall not apply to containers and packaging mainly made of paper or plastic which are specified by Cabinet Order until the date specified by Cabinet Order within a period not exceeding five years from the day of promulgation.

#### **Article 3 (Review)**

When ten years have passed since the enforcement of this Act, the government shall review the state of enforcement of the provisions of Chapter 5, Chapter 6, and Articles 38 to 40 inclusive, and shall take the necessary measures based on the review results.

**Supplementary Provisions (Extract) (Act No. 59 of May 23, 1997)**

**Article 1 (Effective Date)**

This Act shall come into force as of April 1, 1998.

**Supplementary Provisions (Extract) (Act No. 54 of May 8, 1998)**

**Article 1 (Effective Date)**

This Act shall come into force as of April 1, 2000; provided, however, that in Article 1, the provisions revising appended tables 1 to 4 inclusive of the Local Autonomy Act (excluding the revision provisions deleting item 8-2 in appended table 1, changing item 8-3 into item 8-2, deleting item 8-4 and item 9-3, changing item 9-4 into item 9-3, and changing item 9-5 into item 9-4, the provisions revising item 20-5 of the same table, the provisions revising item 2 (10-3) of appended table 2, and the provisions revising item 2 of appended table 3), and the provisions of Articles 7 and 9 of the Supplementary Provisions shall come into force as of the day of promulgation.

**Article 8 (Transitional Measures Concerning Penal Provisions)**

With regard to the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed after the enforcement of this Act in cases to which the provisions then in force are to remain applicable pursuant to the Supplementary Provisions of this Act, the provisions then in force shall remain applicable.

**Article 9 (Delegation to a Cabinet Order)**

In addition to what is provided for in Articles 2 to 8 inclusive of the Supplementary Provisions, the transitional measures necessary to enforce this Act shall be specified by Cabinet Order.

**Supplementary Provisions (Extract) (Act No. 146 of December 3, 1999)**

**Article 1 (Effective Date)**

This Act shall come into force as of the day of promulgation.

**Supplementary Provisions (Extract) (Act No. 160 of December 22, 1999)**

**Article 1 (Effective Date)**

This Act (excluding Articles 2 and 3) shall come into force as of January 6, 2001.

**Supplementary Provisions (Extract) (Act No. 113 of June 7, 2000)**

**Article 1 (Effective Date)**

This Act shall come into force as of April 1, 2001.

**Supplementary Provisions (Extract) (Act No. 93 of June 18, 2003)**

**Article 1 (Effective Date)**

This Act shall come into force as of December 1, 2003.

**Supplementary Provisions (Extract) (Act No. 76 of June 15, 2006)**

**Article 1 (Effective Date)**

This Act shall come into force as of April 1, 2007; provided, however, that provisions listed in the following items shall come into force as of the date prescribed respectively in those items.

- (i) Provisions of Article 3 of the Supplementary Provisions: Day of promulgation
- (ii) Provisions revising Articles 1 to 3 inclusive, Article 5, Article 6, Article 8 and Article 9, provisions revising Article 18 (excluding provisions revising paragraph 1 of the same article), provisions revising Article 43, paragraph 1, item 1 (limited to the part revising "public notice pursuant to the provision of paragraph 2 of the same article, paragraph 3 of the same article" to "public notice pursuant to the provision of paragraph 2 of the same article (including the cases where it is applied *mutatis mutandis* pursuant to paragraph 5 of the same article), acceptance of reports pursuant to the provision of paragraph 3 of the same article, paragraph 4 of the same article"), and provisions revising Article 46: Date specified by Cabinet Order within a period not exceeding six months from the day of promulgation
- (iii) Provisions revising the table of contents (limited to the part revising "Article 10" to "Article 10-2"), revision provisions adding one article to Chapter 4 after Article 10, and provisions revising Article 11, Articles 14 to 17 inclusive, Article 18, paragraph 1, Article 19, Article 20, Article 32, Article 37 and Article 44, and Article 4 of the Supplementary Provisions: April 1, 2008

**Article 2 (Transitional Measures Concerning Periodic Report)**

The provisions of Article 7-6 of the Act on the Promotion of Sorted Collection and Recycling of Containers and Packaging revised by this Act (hereinafter referred to as the "New Act") shall apply to the amount of containers and packaging and the

state of implementation of measures pertaining to fiscal years from fiscal 2007 onwards.

**Article 3 (Delegation to a Cabinet Order)**

In addition to what is provided for in the preceding article, transitional measures necessary for enforcing this Act shall be specified by Cabinet Order.

**Article 4 (Review)**

When five years have passed since the enforcement of provisions prescribed in Article 1, item 3 of the Supplementary Provisions, the government, when it finds this necessary by taking into consideration the state of enforcement of the New Act, shall review the provisions of the New Act, and shall take necessary measures based on the review results.