

Ecotourism Promotion Act

(Act No. 105 of June 27, 2007)

(Purpose)

Article 1 The purpose of this Act is to promote measures for Ecotourism comprehensively and effectively by establishing the basic principles concerning Ecotourism, basic policies of the government, and other necessary matters for promoting Ecotourism, in view of the significant importance of Ecotourism in the promotion of conservation of the natural environment, regional promotion of tourism utilizing originality and creativity, and environmental education such as raising awareness on environmental conservation, and thereby help ensure healthy and cultured lives for the present and future generations of the citizens.

(Definitions)

Article 2 (1) The term "Natural Tourism Resource" as used in this Act means the following:

- (i) tourism resources related to the habitat of fauna and flora or other natural environment; and
- (ii) tourism resources related to manners and customs and other traditional lifestyles and culture closely related to the natural environment.

The term "Ecotourism" as used in this Act means the activities through which tourists receive guidance or advice from a person with knowledge on Natural Tourism Resources, come into contact with said Natural Tourism Resources, while giving consideration to the protection of said Natural Tourism Resources, and deepen their knowledge and understanding thereof.

The term "Specified Business" as used in this Act means a person who provides tourists with guidance or advice on Natural Tourism Resources in the course of trade (including a person who engages in the intermediation thereof in the course of trade).

The term "Land Owner, etc." as used in this Act means owners of land or trees and bamboo, or persons holding the right to use and make profits with regard to land or trees and bamboo, a fishery right, or a right of entry to a fishing ground (excluding the cases where it is clear that the right has been established for the purpose of installing temporary facilities or for other temporary use).

(Basic Principles)

Article 3 (1) In view of the fact that the sustainable protection of Natural Tourism Resources is the basis for the development of Ecotourism, Ecotourism

must be implemented by establishing appropriate methods for utilizing Natural Tourism Resources while giving consideration to the conservation of biodiversity so as not to damage Natural Tourism Resources, and by following the methods, while monitoring the status of the implementation, conducting scientific evaluation of the results of such monitoring, and reflecting the results in the implementation.

Ecotourism must be voluntarily and actively addressed by Specified Businesses, and appropriately implemented with a view to contributing to the promotion of tourism.

Ecotourism must be appropriately implemented through coordination among various entities within a region, such as Specified Businesses, local residents, specified nonprofit corporations and the like, and persons with expert knowledge on Natural Tourism Resources or tourism, with a view to contributing to the sound development of local communities and local economies.

In implementing Ecotourism, necessary consideration must be given to promote the utilization of Ecotourism as opportunities for environmental education, in view of the importance of deepening citizens' understanding of environmental conservation.

(Basic Policies)

Article 4 (1) The government must establish basic policies for promoting Ecotourism (hereinafter referred to as the "Basic Policy") in accordance with the basic principles.

The Basic Policies are to provide for the following matters:

- (i) basic directions for promoting Ecotourism;
- (ii) basic matters concerning the Ecotourism promotion council prescribed in the following Article, paragraph (1);
- (iii) basic matters concerning the preparation of the overall concept for promoting Ecotourism referred to in the following Article, paragraph (2), item (i);
- (iv) basic matters concerning the certification of the overall concept for promoting Ecotourism referred to in Article 6, paragraph (2); and
- (v) matters to be considered upon the implementation of Ecotourism, such as the conservation of biodiversity, and other important matters for promoting Ecotourism.

The Minister of the Environment and the Minister of Land, Infrastructure, Transport and Tourism must prepare the draft of the Basic Policies in consultation with the Minister of Education, Culture, Sports, Science and Technology and the Minister of Agriculture, Forestry and Fisheries in advance and seek a cabinet decision.

The Minister of the Environment and the Minister of Land, Infrastructure,

Transport and Tourism must hear opinions of the public in advance when intending to prepare the draft of the Basic Policies.

When the cabinet decision under paragraph (3) is made, the Minister of the Environment and the Minister of Land, Infrastructure, Transport and Tourism must publicize the Basic Policies without delay.

The Basic Policies are to be revised approximately every five years on the basis of the status of implementation of Ecotourism.

The provisions of paragraphs (3) to (5) apply mutatis mutandis to a change to the Basic Policies.

(Ecotourism Promotion Council)

Article 5 (1) A municipality (including special wards; the same applies hereinafter) may organize, for each area within said municipality where it intends to promote Ecotourism, an Ecotourism promotion council (hereinafter referred to as a "Council") consisting of Specified Businesses, local residents, specified nonprofit corporations and the like, persons with expert knowledge on Natural Tourism Resources or tourism, Land Owners, etc., and other persons participating in activities related to Ecotourism (hereinafter referred to as "Specified Business, etc."), and the relevant administrative organs and the relevant local government, in addition to said municipality, for the purpose of conducting the affairs prescribed in the following paragraph.

A Council is to conduct the following affairs:

- (i) to prepare the overall concept for promoting Ecotourism; and
- (ii) to carry out liaison and coordination for the promotion of Ecotourism.

The overall concept for promoting Ecotourism prescribed in the preceding paragraph, item (i) (hereinafter referred to as the "Overall Concept") is to contain, in particular, the following matters in line with the Basic Policies:

- (i) the area where Ecotourism is to be promoted;
- (ii) the names and locations of the major Natural Tourism Resources which are subject to Ecotourism;
- (iii) method for implementing Ecotourism;
- (iv) measures taken for the protection and fostering of Natural Tourism Resources (if the mayor of a municipality that has organized a Council intends to make the designation of the Specified Natural Tourism Resources referred to in Article 8, paragraph (1), a statement to that effect, the name of said Specified Natural Tourism Resources, and the area where they are located as well as the measures taken for the protection thereof; the same applies hereinafter);
- (v) the names of the persons or corporations participating in the Council and the roles thereof; and
- (vi) other matters necessary for promoting Ecotourism.

When a Council organized by a municipality has prepared the Overall Concept, the municipality must endeavor to make a public announcement thereof without delay and report the same to the competent minister.

The provisions of the preceding paragraph apply mutatis mutandis to a change to or abolition of the Overall Concept.

Specified Businesses, etc. may propose to a municipality to organize a Council. In this case, the Specified Businesses, etc. must prepare and present the draft of the Overall Concept which should be prepared by said proposed Council in line with the Basic Policies.

A Specified Business, etc. which is not a member of a Council may apply to a municipality to participate in a Council organized by said municipality as a member thereof by indicating its intention to that effect in writing.

Beyond what is provided for in each of the preceding paragraphs, matters necessary for the organization and operation of the Council are determined by the Council.

The members of the Council must endeavor to implement the Overall Concept through mutual cooperation.

(Certification of Overall Concept)

Article 6 (1) When a Council organized by a municipality has prepared the Overall Concept, the municipality may apply for certification of said Overall Concept by the competent minister pursuant to the provisions of Ordinance of the competent ministry.

The competent minister is to certify the Overall Concept of which the application for certification has been filed under the preceding paragraph when the competent minister finds said Overall Concept meets the following standards:

- (i) the Overall Concept conforms to the Basic Policies; and
- (ii) the measures taken for the protection and fostering of Natural Tourism Resources and other matters provided in the Overall Concept are expected to be implemented effectively and in a reliable manner.

If two or more municipalities have jointly made an application for certification under paragraph (1) and the competent minister finds it appropriate to promote Ecotourism in the area of said municipalities as one unit in terms of the natural, economic, and social conditions, the competent minister may grant the certification referred to in the preceding paragraph by deeming the Overall Concept under said application as one unit.

If the competent minister grants the certification referred to in paragraph (2), the competent minister must make a public announcement thereof.

When a Council organized by a municipality intends to change the Overall Concept which has been granted the certification referred to in paragraph (2),

the municipality must obtain the certification of the competent minister for the Overall Concept after said change pursuant to the provisions of Ordinance of the competent ministry.

When the competent minister finds that the Overall Concept which has been granted the certification referred to in paragraph (2) (including the certification of change referred to in the preceding paragraph; the same applies hereinafter) (hereinafter referred to as the "Certified Overall Concept") has ceased to conform to the Basic Policies or that Ecotourism is not promoted pursuant to the Certified Overall Concept, the competent minister may rescind the certification.

The provisions of paragraphs (2) and (4) apply mutatis mutandis to the changed certification referred to in paragraph (5), and the provisions of paragraph (4) apply mutatis mutandis to the rescission of certification under the preceding paragraph.

(Dissemination of Certified Overall Concept)

Article 7 (1) The competent minister is to make the content of the Certified Overall Concept widely known to tourists intending to participate in Ecotourism and other persons by using the Internet or other appropriate methods.

When a Specified Business is a member of a Council which has prepared the Certified Overall Concept and requests permission or another disposition under the laws and regulations to implement any business for Ecotourism based on said Certified Overall Concept, the head of the administrative organ of the national government and the relevant local government are to give appropriate consideration so that said business for Ecotourism can be implemented smoothly and promptly.

(Designation of Specified Natural Tourism Resources)

Article 8 (1) The mayor of a municipality that has received the certification referred to in Article 6, paragraph (2) with regard to the Overall Concept (hereinafter simply referred to as "Municipality" except in Article 12) (hereinafter the mayor of such municipality is simply referred to as "Mayor of a Municipality") may designate, pursuant to the Certified Overall Concept, any Natural Tourism Resources (excluding manners and customs or other intangible tourism resources; hereinafter the same applies in this paragraph) that are likely to be damaged by the activities of tourists or other persons and for which it is necessary to take the measures for protection as Specified Natural Tourism Resources; provided, however, that this does not apply to those specified by Ordinance of the competent ministry as Natural Tourism Resources appropriately protected by other laws and regulations.

When the Mayor of a Municipality intends to make the designation referred to

in the preceding paragraph, the Mayor of a Municipality must obtain the consent of the Land Owners, etc. of the area where said Specified Natural Tourism Resources are located in advance.

When the Mayor of a Municipality makes the designation referred to in paragraph (1), the Mayor of a Municipality must make public notification of a statement to that effect, the name of said Specified Natural Tourism Resources, and the area where they are located as well as the content of the measures taken for the protection thereof.

When the Mayor of a Municipality has made the designation referred to in paragraph (1), the Mayor of a Municipality must install a sign indicating to that effect within the area where said Specified Natural Tourism Resources are located.

When the Mayor of a Municipality has made the designation referred to in paragraph (1), and said Specified Natural Tourism Resources come to fall under the Natural Tourism Resources specified by Ordinance of the competent ministry referred to in the proviso of the same paragraph, or otherwise the Mayor of a Municipality subsequently finds that there is no longer a need for the designation or it is inappropriate to continue the designation due to a change of circumstances, the Mayor of a Municipality must cancel the designation.

When the Mayor of a Municipality cancels the designation under the preceding paragraph, the Mayor of a Municipality must make public notice to that effect.

(Regulations on Specified Natural Tourism Resources)

Article 9 (1) It is prohibited for any person to engage in any of the following acts without good reason within the area where Specified Natural Tourism Resources are located:

- (i) to stain, damage, or remove the Specified Natural Tourism Resources;
- (ii) to dump or leave garbage or other filthy materials or waste in a manner extremely offensive to tourists or other persons;
- (iii) to emit an extremely bad smell, generate extreme noise with audio equipment and the like, occupy a viewing spot or resting area and the like in a selfish manner, or otherwise significantly annoy tourists or other persons;
or
- (iv) In addition to what is set forth in the preceding three items, to engage in any act that is prescribed in Municipal Ordinance pursuant to the Certified Overall Concept as an act that is likely to damage Specified Natural Tourism Resources.

If there is any person who is engaged in any act set forth in the preceding items within an area where the Specified Natural Tourism Resources are located, the relevant official of the Municipality may give instruction to such person to cease such act.

The official referred to in the preceding paragraph must carry an identification card and present it at the request of any person concerned.

Article 10 (1) When a Mayor of a Municipality finds, pursuant to the Certified Overall Concept, that the Specified Natural Tourism Resources designated pursuant to the provisions of Article 8, paragraph (1) are likely to be significantly damaged by the activities of many tourists or other persons, the Mayor of a Municipality may make such restriction as to require prior approval of said Mayor of a Municipality for any entry in the area where said Specified Natural Tourism Resources are located pursuant to the provisions of Ordinance of the competent ministry; provided, however, that this does not apply to the Specified Natural Tourism Resources with regard to which the entry in the area where such Specified Natural Tourism Resources are located is restricted by other laws and regulations and which are specified by Ordinance of the competent ministry.

When the restriction under the preceding paragraph is made, no person other than those who have obtained the approval referred to in the same paragraph may enter the area where said Specified Natural Tourism Resources are located; provided, however, that this does not apply to the cases where the entry is made for taking emergency measures necessary for an extraordinary disaster, and where the entry is made for carrying out an act of ordinary management, simple act, or other acts specified by Ordinance of the competent ministry.

The approval referred to in paragraph (1) is to be made within the limits of the number specified by the Mayor of Municipality, with regard to the number of persons who intend to enter the area.

If there is any person who enters the area where said Specified Natural Tourism Resources are located in violation of the provisions of paragraph (2), the relevant official of the Municipality may give instruction to such person to cease the entry to said area or to leave said area.

The provisions of Article 8, paragraphs (2) to (6) apply *mutatis mutandis* to the restriction referred to in paragraph (1). In this case, the term "the content of the measures taken for the protection thereof" in the same Article, paragraph (3) is deemed to be replaced with "the number of persons, the term of restriction for the entry, and other necessary matters", and the term "the Natural Tourism Resources specified by Ordinance of the competent ministry referred to in the proviso of the same paragraph" in the same Article, paragraph (5) is deemed to be replaced with "the Specified Natural Tourism Resources specified by Ordinance of the competent ministry referred to in the proviso of Article 10, paragraph (1)".

The provisions of the preceding Article, paragraph (3) apply *mutatis mutandis* to the official referred to in paragraph (4).

(Public Announcement of Status of Activities)

Article 11 The competent minister must compile the status of activities of the Council and make a public announcement thereof every year.

(Reports of Status of Activities)

Article 12 The competent minister may request submission of reports from the Municipality with regard to the status of activities of the Council organized by such Municipality.

(Technical Advice)

Article 13 The competent minister is to provide the members of the Council with necessary technical advice for the promotion of activities for the protection and fostering of a wide range of Natural Tourism Resources and other activities of the Council.

(Collection of Information)

Article 14 The competent minister is to collect, organize, and analyze information concerning the status of implementation of Ecotourism, and provide information on the results thereof in order to promote the protection and fostering of Natural Tourism Resources and to nurture human resources for providing guidance or advice concerning Natural Tourism Resources.

(Public Relations Activities)

Article 15 The national government and the local governments are to endeavor to deepen citizens' understanding of Ecotourism through public relations activities and the like.

(Financial Measures)

Article 16 The national government and the local governments are to endeavor to take financial and other measures necessary for promoting Ecotourism.

(Ecotourism Promotion Liaison Conference)

Article 17 The government is to establish the Ecotourism promotion liaison conference consisting of the officials of the Ministry of the Environment, the Ministry of Land, Infrastructure, Transport and Tourism, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Agriculture, Forestry and Fisheries, and other relevant administrative organs, and carry out liaison and coordination to help promote Ecotourism comprehensively and effectively.

(Competent Minister)

Article 18 (1) The competent ministers in this Act are to be the Minister of the Environment, the Minister of Land, Infrastructure, Transport and Tourism, the Minister of Education, Culture, Sports, Science and Technology, and the Minister of Agriculture, Forestry and Fisheries.

Ordinance of the competent ministry in this Act is to consist of the orders issued by the Minister of the Environment, the Minister of Land, Infrastructure, Transport and Tourism, the Minister of Education, Culture, Sports, Science and Technology, and the Minister of Agriculture, Forestry and Fisheries.

(Penal Provisions)

Article 19 Any person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who fails to follow the instruction of the relevant official of the Municipality under Article 9, paragraph (2) and engages in any act set forth in the same Article, paragraph (1), items (i) to (iii) without good reason; or
- (ii) a person who fails to follow the instruction of the relevant official of the Municipality under Article 10, paragraph (4) and enters the area where said Specified Natural Tourism Resources are located or fails to leave said area.

Article 20 Municipal Ordinance pursuant to the provisions of Article 9, paragraph (1), item (iv) may include a provision to the effect that a person who fails to follow the instruction of the relevant official of the Municipality under the same Article, paragraph (2) and engages in an act set forth in the same item without good reason is punished by a fine of not more than 300,000 yen.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2008; provided, however, that the provisions of the following Article come into effect as of the date of promulgation.

(Preparation Prior to Enforcement)

Article 2 (1) The Minister of the Environment and the Minister of Land, Infrastructure, Transport and Tourism may prepare the draft of the basic policies for promoting Ecotourism and seek a cabinet decision thereon in accordance with the provisions of Article 4, paragraphs (1) to (4) even prior to the enforcement of this Act.

When the cabinet decision referred to in the preceding paragraph is made with regard to the basic policies referred to in the same paragraph, the Minister of the

Environment and the Minister of Land, Infrastructure, Transport and Tourism must make a public announcement thereof without delay.

The basic policies established pursuant to the provisions of paragraph (1) are deemed as the Basic Policies established pursuant to the provisions of Article 4, paragraphs (1) to (4) on the date on which this Act comes into effect.

(Review)

Article 3 When five years have passed since the enforcement of this Act, the government is to review the status of enforcement of this Act and, if it finds it to be necessary, take required measures based on the results of the review.

Supplementary Provisions [Act No. 105 of August 30, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 81 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (with regard to the provisions set forth in each item of Article 1 of the Supplementary Provisions, said provisions; hereinafter the same applies in this Article) as well as any act committed after the enforcement of this Act when the provisions then in force remain applicable pursuant to the provisions of the Supplementary Provisions, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 82 Beyond what is provided for in these Supplementary Provisions, the necessary transitional measures for the enforcement of this Act (including the transitional measures concerning the penal provisions) are specified by Cabinet Order.