

# Act on Regulations for Emissions from Non-Road Vehicles

(Act No. 51 of May 25, 2005)

## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to control exhaust emissions from non-road vehicles and thereby protect the health of the people from air pollution and preserve their living conditions, through establishing technical standards for non-road engines as well as non-road vehicles and imposing necessary regulations on the use of non-road vehicles, among other measures.

### (Definitions)

Article 2 (1) The term "non-road vehicles" as used in this Act means motor vehicles provided in Article 2, paragraph (2) of the Road Vehicles Act (Act No. 185 of 1951) (except those provided for use of operations as provided for in paragraph (5) of the same Article) which are as follows (except equipment produced for the purpose of towing on land and other equipment specified by Cabinet Order):

- (i) large-sized special motor vehicles and small-sized special motor vehicles provided in Article 3 of the Road Vehicles Act;
  - (ii) motor vehicles that fall under the category of construction machinery provided in Article 2 of the Construction Machinery Hypothecation Act (Act No. 97 of 1954) (except those set forth in the preceding item) and other motor vehicles that have a unique construction and which are specified by Cabinet Order.
- (2) The term "non-road engine" as used in this Act means an engine which is installed in a non-road vehicle and a device which is installed in a unibody therewith which is specified by order of the competent ministry.
- (3) The term "emissions from non-road vehicles" as used in this Act means substances such as carbon monoxide, hydrocarbon and lead generated by the use of non-road vehicles which may possibly be harmful to human health or the living conditions of people specified by Cabinet Order.

### (Responsibility of the National Government and Prefectures)

Article 3 (1) The national government must endeavor to promote policies for the prevention of air pollution caused by emissions from non-road vehicles such as ensuring international coordination in relation to the regulations in emissions

from non-road vehicles and raising public awareness and disseminating knowledge concerning controlling exhaust emissions from non-road vehicles.

- (2) Prefectures must endeavor to promote policies for the prevention of air pollution caused by emissions from non-road vehicles while coordinating with the national government.

(Responsibility of Corporations and Users)

Article 4 (1) A corporation that engages in the production, etc. of non-road vehicles (referring to a person who produces or imports (hereinafter those acts are referred to as the "production, etc.") non-road vehicles as their business: the same applies hereinafter) must, in the production, etc. of non-road vehicles, endeavor to prevent the air pollution caused by emissions from non-road vehicles emitted in the use of the non-road vehicles regarding the production, etc.

- (2) A person who uses a non-road vehicle must endeavor to take appropriate measures to control exhaust emissions from non-road vehicles and cooperate with the policies enforced by the national government and prefectures to prevent air pollution caused by emissions from non-road vehicles.

## **Chapter II Non-Road Engines and Non-Road Vehicles**

### **Section 1 Designation of Types of Non-Road Engines**

(Technical Standards for Non-Road Engines)

Article 5 The competent minister must establish necessary technical standards for non-road engines designed to prevent air pollution caused by emissions from non-road vehicles (hereinafter to be referred to as "technical standards for non-road engines") specified by order of the competent ministry.

(Designation of Types of Non-Road Engines)

Article 6 (1) The competent minister is to designate the type of non-road engines upon the receipt of an application from the person who engages in the production, etc. of a non-road engine as their business (hereinafter referred to as a "corporation that engages in the production, etc. of non-road engines").

- (2) The application for the designation provided for in the preceding paragraph may be submitted with regard to non-road engines to be exported to Japan by a person who produces the relevant non-road engines as their business in a foreign state or a person who has a contract with that relevant person for purchase of the relevant non-road engines and exports those non-road engines to Japan as their business.

- (3) The designation provided for in paragraph (1) is made by determining whether the relevant non-road engines comply with the technical standards for

non-road engines and whether they have uniform performance characteristics and functions.

- (4) The designation provided for in paragraph (1) may be made by limiting the range of non-road vehicles into which the relevant non-road engines may be installed.
- (5) If a non-road engine whose type has been designated pursuant to the provisions of paragraph (1) (hereinafter referred to as a "non-road engine whose type is designated") no longer comply with the technical standards for the non-road engines or no longer demonstrate uniformity, the competent minister may cancel the designation thereof. In this case, the competent minister may limit the scope of the cancellation of those non-road engines which have been produced by the date of the cancellation.
- (6) Beyond the provisions of the preceding paragraph, if a designated foreign producer, etc. of non-road engines (referring to a person provided in paragraph (2) and the type of non-road engines that are produced or exported by the person has obtained designation referred to in paragraph (1): hereinafter the same in this paragraph) falls under any of the following items, the competent minister may cancel the designation referred to in paragraph (1) granted to the designated foreign producer, etc. of the non-road engines:
  - (i) if the designated foreign producer, etc. of non-road engines violate the provisions specified by order of the competent ministry based on the provisions of Article 8 (limited to the portions concerning the designation referred to in paragraph (1));
  - (ii) if the competent minister, to the extent necessary for the enforcement of this Act, has demanded the designated foreign producer, etc. of non-road engines to submit a report on their business affairs and thereupon the relevant engine producer, etc. fails to submit a report or submits a false report;
  - (iii) if the competent minister, to the extent necessary for the enforcement of this Act, orders the officials to inspect the relevant non-road engines, books, documents or other articles at the factories or workplaces of the designated foreign producer, etc. of non-road engines or other places where non-road engines whose types are designated are found to be located, or to question relevant persons, and the inspections are refused, obstructed or evaded and no statement is made in reply to any questions or a false statement is made thereof.
- (7) Specific devices provided in Article 75-2, paragraph (1) of the Road Vehicle Act that are specified by order of the competent ministry are regarded as non-road engines whose types are designated with regard to the application of the provisions of Article 10, paragraph (1), if their types are designated pursuant to the provisions of Article 75-2, paragraph (1) of the Road Vehicle Act.

(Labels on Non-Road Engines)

- Article 7 (1) Those who have submitted an application referred to in paragraph (1) of the preceding Article may place a label specified by order of the competent ministry on the non-road engine whose type is designated that they have applied for.
- (2) No one must place a label referred to in the preceding paragraph or any confusing labels on non-road engines except in cases provided in the preceding paragraph.

(Delegation to Order of the Competent Ministry)

Article 8 Beyond what is specified in this Section, the procedures to be taken for the designation of the type of non-road engines and other matters necessary for enforcement of the provisions of this Section are specified by order of the competent ministry.

## **Section 2 Notification of Types of Non-Road Vehicles**

(Technical Standards for Non-Road Vehicles)

Article 9 The competent minister must establish the technical standards necessary for the prevention of air pollution caused by emissions from non-road vehicles that come from parts other than the non-road engine (hereinafter referred to as "technical standards for non-road vehicles") specified by order of the competent ministry.

(Notification of Types of Non-Road Vehicles)

Article 10 (1) If a corporation that engages in the production, etc. of non-road vehicles ensures that non-road engines whose types are designated are installed in the non-road vehicles of which the corporation has conducted the production, etc. and that any of the non-road vehicles that belong to the same type as the relevant non-road vehicles comply with the technical standards for non-road vehicles, the corporation that engages in the production, etc. of non-road vehicles may notify the following particulars to the competent minister pursuant to the provisions of order of the competent ministry:

- (i) the name or an appellation and address, and the name of the representative in cases of a corporation;
- (ii) the names and type of the relevant non-road vehicles;
- (iii) the types of the non-road engines whose types are designated installed in the non-road vehicles;
- (iv) a method to confirm all of the non-road vehicles that belong to the relevant type comply with the technical standards for non-road vehicles (hereinafter

to be referred to as the "confirmation method").

- (2) The notification set forth in the preceding paragraph may be made regarding non-road vehicles to be exported to Japan by a person who produces the relevant non-road vehicles as their business in a foreign country or a person who has a contract with the relevant person for the purchasing of the relevant non-road vehicles, and who is in the business of exporting the relevant non-road vehicles to Japan.
- (3) If there is a change in the particulars set forth in paragraph (1), item (i) or (iv), a person who has filed a notification under paragraph (1) (hereinafter to be referred to as a "notifying corporations") must notify any changes to the competent minister without delay pursuant to the provisions of order of the competent ministry.
- (4) Upon the receipt of a notification under paragraph (1), the competent minister must publicly notify it. The same applies if a notification under the preceding paragraph has been filed and if there has been a change to any of the particulars publicly notified.

#### (Obligation of Compliance with Technical Standards)

Article 11 (1) When a notifying corporation conducts the production, etc. of the non-road vehicles for which the corporation files a notification under paragraph (1) of the preceding Article (hereinafter referred to as a "non-road vehicle whose type is notified"), the corporation must conform the relevant non-road vehicles whose types are notified to the technical standards for non-road vehicles.

- (2) A notifying corporation must inspect the non-road vehicles whose types are notified which the corporation has conducted the production, etc. of, in accordance with the confirmation method in relation to the notification under paragraph (1) of the preceding Article, and compile an inspection record and preserve it pursuant to the provisions of order of the competent ministry.

#### (Labels on Non-Road Vehicles)

Article 12 (1) When a notifying corporation has complied with their duty under paragraph (2) of the preceding Article in respect to a non-road vehicle whose type is notified, the corporation may place a label specified by order of the competent ministry (hereinafter to be referred to as a "label indicating compliance with the standards") on the relevant non-road vehicle whose type is notified.

- (2) If a corporation that engages in the production, etc. of non-road vehicles, with regard to the non-road vehicles of which the corporation conducts the production, etc., has complied with their duty under the order based on the Road Vehicles Act specified by order of the competent ministry as the one

equivalent to the duty under paragraph (2) of the preceding Article, the corporation may place a label indicating compliance with the standards on the relevant non-road vehicles.

- (3) When a corporation that engages in the production, etc. of non-road vehicles has conducted the production, etc. of non-road vehicles belonging to the same type in the same or smaller numbers than the number specified by Cabinet Order considering the exhaust emission status of non-road vehicles and other circumstances (hereinafter to be referred to "motor vehicles manufactured in small numbers"), and when those vehicles have been approved by the competent minister pursuant to the provisions of order of the competent ministry as complying with the standards specified by order of the competent ministry, the corporation may place a label specified by order of the competent ministry (hereinafter, referred to as a "special label for the limited number of vehicles") on the relevant motor vehicles manufactured in small numbers.
- (4) Except when a label is placed pursuant to the provisions of the preceding three paragraphs, no one may place a label indicating compliance with the standards or a special label for the limited number of vehicles, or any other confusing labels.

(Order to Improve Business Issued to Notifying Corporations)

Article 13 When the competent minister finds it necessary to ensure that non-road vehicles whose types are notified comply with the technical standards for non-road vehicles such as when finding that a notifying corporation violates the provisions of Article 11, paragraph (1), the minister may order the relevant notifying corporation to take necessary measures to improve the ways of its business such as the confirmation method in relation to a notification under Article 10, paragraph (1).

(Prohibition on Labeling)

Article 14 (1) In the cases set forth in each of the following items, the competent minister may prohibit notifying corporations from placing a label indicating compliance with the standards on non-road vehicles that belong to the type specified in each of those items:

- (i) if the competent minister finds that all or most of the non-road vehicles whose types are notified belonging to the same type do not comply with the technical standards for non-road vehicles: the type of the non-road vehicles whose types are notified;
- (ii) if a notifying corporation has failed to obey the order under the preceding Article: the type of the relevant non-road vehicle whose type is notified with which the notifying corporation has failed to obey the order.
- (2) If the competent minister prohibits a label indicating compliance with the

standards from being placed pursuant to the provisions of the preceding paragraph, the minister must publicly notify it.

(Invalidation of Label Indicating Compliance with Standards)

Article 15 When the competent minister finds that all or most of the non-road vehicles whose types are notified belonging to the same type do not comply with technical standards for non-road vehicles and issues a public notice on it, the labels indicating compliance with the standards in connection with non-road vehicles belonging to the same type as that of the relevant non-road vehicles whose types are notified cease to be effective.

(Delegation to Order of the Competent Ministry)

Article 16 Beyond what is specified in this Section, procedures to be taken for the notification of the type of non-road vehicles and other matters necessary for enforcement of the provisions of this Section are specified by order of the competent ministry.

### **Chapter III Regulation on the Use of Non-Road Vehicles**

(Regulation on the Use)

Article 17 (1) Non-road vehicles may not be used unless they have a label indicating compliance with the standards or a special label for the limited number of vehicles placed on them; provided, however, that this does not apply when they are inspected by the competent minister before their use, and confirmed that those non-road vehicles are found to comply with the technical standards for non-road engines and technical standards for non-road vehicles, pursuant to the provisions of order of the competent ministry.

(2) The provisions of the main clause of the preceding paragraph do not apply when non-road vehicles are used for tests or research, or when their labels indicating compliance with the standards cease to be effective after the first usage pursuant to the provisions of Article 15, or in any other cases specified by order of the competent ministry.

(Order to Comply with Technical Standards)

Article 18 (1) When the prefectural governor finds that non-road vehicles no longer comply with technical standards (meaning technical standards for non-road engines and technical standards for non-road vehicles (for motor vehicles manufactured in small numbers that have received approval under Article 12, paragraph (3), the standards specified in the same paragraph); the same applies hereinafter) in the prefecture, the governor may order the users of the relevant non-road vehicles to perform necessary maintenance on them during a

period specified by the prefectural governor in order to conform them to the technical standards.

- (2) If the prefectural governor issues an order under the provisions of the preceding paragraph, the governor must report the content of the relevant order to the competent minister pursuant to the provisions of order of the competent ministry.

## **Chapter IV Registered Inspection Agency for Non-Road Engines and Registered Inspection Agency for Non-Road Vehicles Section 1 Registered Inspection Agency for Non-Road Engines**

(Registered Inspection Agency for Non-Road Engines)

Article 19 (1) For a business function regarding inspections to ascertain whether non-road engines comply with the technical standards for non-road engines conducted as a part of duties of the competent minister in relation to the designation of the type of non-road engines under Article 6, paragraph (1) (hereinafter referred to as the "business function of inspecting non-road engines"), if there is a person registered by the competent minister (hereinafter referred to as a "registered inspection agency for non-road engines"), the competent minister is to have the registered inspection agency for non-road engines conduct the relevant business, pursuant to the provisions of order of the competent ministry.

- (2) The registration in the preceding paragraph (hereinafter referred to as "registration" in this Section) is to be made, upon application by a person who intends to conduct the business function of inspecting non-road engines.
- (3) A person who falls under any of the following items cannot be registered:
- (i) any person who was sentenced to a fine or heavier punishment for violation of this Act or any order issued under this Act, if two years have not passed since the payment of the fine is completed or the fine ceased to apply;
  - (ii) any person whose registration was canceled pursuant to the provisions of Article 23, paragraph (4) or (5) and two years have not yet passed since the day of its cancellation;
  - (iii) a corporation whose officers engaged in the business thereof fall under any of the preceding two items.
- (4) The competent minister must register a person who has applied for registration (hereinafter to be referred to as the "applicant for registration"), if the person satisfies all of the following items. In this case, necessary procedures for registration will be specified by order of the competent ministry:
- (i) the business function of inspecting non-road engines is conducted by two or more of those who have graduated from a university or a national college of technology under the School Education Act (Act No. 26 of 1947) completing

- the requirements for a diploma of engineering or engines or have scholastic ability equivalent or superior to the diploma, and have three or more years of experience in total in the engine business;
- (ii) the applicant for registration does not fall into any of the following and is therefore not controlled by any corporation that engages in the production, etc. of non-road engines:
    - (a) if an applicant for registration is a stock company, a corporation that engages in the production, etc. of non-road engines is its parent corporation (referring to a parent corporation provided in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005): the same applies hereinafter);
    - (b) officers or employees of a corporation that engages in the production, etc. of non-road engines (including those who were officers or employees of a corporation that engages in the production, etc. of non-road engines during the past two years) account for more than half of the officers of an applicant for registration (in cases of a membership company (referring to a membership company provided in Article 575, paragraph (1) of the Companies Act; the same applies hereinafter), its executive members);
    - (c) an applicant for a registration (in cases of a corporation, an officer who has the right to represent) is an officer or an employee of a corporation that engages in the production, etc. of non-road engines (including those who were officers or employees of the corporation that engages in the production, etc. of non-road engines in the past two years).
- (5) The registration is to be made with the following particulars included in the registry of a registered inspection agency for non-road engines:
- (i) date and number of the registration;
  - (ii) name or appellation of a person who is registered, with the address and in case of a corporation, the name of its representative;
  - (iii) name and location of the workplace where the person or the corporation registered conducts the business function of inspecting non-road engines;
  - (iv) beyond what is set forth in the preceding three items, particulars specified by order of the competent ministry.
- (6) When the competent minister has granted a registration of inspection agencies for non-road engines, the minister is not to conduct the business function of inspecting non-road engines for which the minister has granted the registration.

#### (Renewal of Registrations)

- Article 20 (1) Unless a registration is renewed at an interval of not less than three years specified by Cabinet Order, it becomes ineffective by the expiration of the interval.
- (2) The provisions of paragraph (2) to (5) of the preceding Article apply mutatis

mutandis to renewal of a registration in the preceding paragraph.

(Matters to Be Observed)

- Article 21 (1) When a registered inspection agency for non-road engines is requested to conduct business functions of inspecting non-road engines, they must do so without delay, unless justifiable grounds exist.
- (2) A registered inspection agency for non-road engines must conduct the business function of inspecting non-road engines fairly, and by using the method specified by order of the competent ministry.
- (3) When a registered inspection agency for non-road engines intend to change the location of the workplace where they conduct the business function of inspecting non-road engines, they must notify the change to the competent minister not later than two weeks prior to the day when the change in location will occur.
- (4) A registered inspection agency for non-road engines must establish rules for execution of the business function of inspecting non-road engines and get authorization from the competent minister before beginning the business function of inspecting non-road engines, pursuant to the provisions of order of the competent ministry. The same applies to a change made to the rules.
- (5) Within three months after the end of the business year, a registered inspection agency for non-road engines must annually prepare a list of assets, balance sheet, and profit and loss statement or statement of income and expenditures, and business reports for the business year (if electric or magnetic records (meaning records that are prepared in an electric form, magnetic form, or other forms not recognizable to human sensory perception and that are used for information processing by computers; the same applies hereinafter) are prepared instead of those documents, including those electric or magnetic records; hereinafter referred to as "financial statements, etc.") and must keep them in their workplace for five years.
- (6) A corporation that engages in the production, etc. of non-road engines and other interested persons may make the following request at any time during the business hours of a registered inspection agency for non-road engines; provided, however, that they must pay the fees specified by a registered inspection agency for non-road engines when making a request prescribed in item (ii) or item (iv):
- (i) if financial statements, etc. are prepared as documents, a request for inspection or copy of the documents;
  - (ii) a request for a transcript or an extract of the documents specified in the preceding items;
  - (iii) if financial statements, etc. are prepared as electronic or magnetic records, a request for an inspection or a copy of the information recorded in the

- electronic or magnetic records displayed by means specified by order of the competent ministry;
- (iv) a request for provision of the information recorded in the electronic or magnetic records referred to in the preceding item by electronic or magnetic means that is specified by order of the competent ministry or a request for delivery of a document containing the relevant information.
- (7) Pursuant to the provisions of order of the competent ministry, a registered inspection agency for non-road engines must prepare books, enter particulars specified by order of the competent ministry concerning the business function of inspecting non-road engines and keep them.
- (8) Without permission from the competent ministry, a registered inspection agency for non-road engines may not suspend or abolish the whole or part of their business function of inspecting non-road engines.
- (9) When a registered inspection agency for non-road engines suspends the whole or part of their business function of inspecting non-road engines with the permission of the competent minister prescribed in the preceding paragraph, when the competent minister orders a registered inspection agency for non-road engines to suspend the whole or part of their business function of inspecting non-road engines pursuant to the provisions of Article 23, paragraph (5), or when the competent minister finds it necessary to do so in the event that it becomes difficult for a registered inspection agency for non-road engines to execute the whole or part of their business function of inspecting non-road engines due to a natural disasters or other reasons, the competent minister is to personally conduct the whole or part of the business function of inspecting non-road engines.
- (10) When the competent minister personally conducts the whole or part of the business function of inspecting non-road engines pursuant to the provisions of the preceding paragraph, or when a registered inspection agency for non-road engines abolishes the whole or part of their business function of inspecting non-road engines with a permission prescribed in paragraph (8), or when the competent minister has canceled their registration pursuant to the provisions of Article 23, paragraph (4) or (5), transfer of the business function of inspecting non-road engines and other necessary matters are specified by order of the competent ministry.

(Obligation of Confidentiality)

- Article 22 (1) Officers or staff members of a registered inspection agency for non-road engines or those who were in these positions may not disclose any secrets they have come to know in the course of performing their inspection business function of non-road engines.
- (2) Officers or staff members of a registered inspection agency for non-road

engines who engage in the business function of inspecting non-road engines are regarded as an employee who engages in public service in accordance with laws and regulations as far as the application of the Criminal Act (Act No. 45 of 1907) or other penal provisions are concerned.

(Order to Comply Issued to Registered Inspection Agency for Non-Road Engines)

Article 23 (1) When the competent minister finds that a registered inspection agency for non-road engines fail to comply with any of the items of Article 19, paragraph (4), it may order the registered inspection agencies for non-road engines to take necessary measures to comply with these provisions.

(2) When the competent minister finds that a registered inspection agency for non-road engines have violated the provisions of Article 21, paragraph (1) or (2), it may order the registered inspection agency for non-road engines to conduct a business function of inspecting non-road engines or take necessary measures to improve the method of conducting business function of inspecting non-road engines.

(3) If the competent minister finds that the rules prescribed in Article 21, paragraph (4) are no longer appropriate for the fair implementation of the business function of inspecting non-road engines, the minister may order that the rules be changed.

(4) If a registered inspection agency for non-road engines falls under Article 19, paragraph (3), item (i) or (iii), the competent minister must rescind the registration.

(5) When a registered inspection agency for non-road engines falls under any of the following items, the competent minister may cancel its registration or order a suspension of the whole or part of the business function of inspecting non-road engines for a period specified by the minister:

(i) when it has violated the provisions of Article 21, paragraphs (3) to (5) or paragraph (7) or (8);

(ii) when it has conducted the business function of inspecting non-road engines without abiding by the rules prescribed in Article 21, paragraph (4);

(iii) when it has refused requests under the items of Article 21, paragraph (6) without justifiable reason;

(iv) when it has violated an order under paragraphs (1) to (3);

(v) when it has obtained registration by unlawful means.

(Collection of Reports and On-Site Inspection)

Article 24 (1) The competent minister, to the extent necessary for the enforcement of the provisions of this Section, may request a registered inspection agency for non-road engines to make a report concerning its

business function of inspecting non-road engines, or have the officials enter the office or other workplaces of the registered inspection agency for non-road engines and inspect books, documents or other relevant items of the registered inspection agency for non-road engines, or question relevant persons.

- (2) An official that conducts an on-site inspection under the preceding paragraph must carry the identification card and present it to relevant persons.
- (3) Authority under paragraph (1) must not be interpreted as being granted for a criminal investigation.

(Public Notice)

**Article 25** The competent minister must issue a public notice in the Official Gazette in the following cases:

- (i) when registration has been granted;
- (ii) when a notification under Article 21, paragraph (3) has been made;
- (iii) when permission under Article 21, paragraph (8) has been granted;
- (iv) when the competent minister personally conducts the whole or part of the business function of inspecting non-road engines pursuant to the provisions of Article 21, paragraph (9), or when the minister determines not to execute the whole or part of the business function of inspecting non-road engines that the minister has personally been conducting;
- (v) when the competent minister cancels a registration pursuant to the provisions of Article 23, paragraph (4) or (5) or orders a suspension of the whole or part of the business function of inspecting non-road engines pursuant to the provisions of the same paragraph.

## **Section 2 Registered Inspection Agency for Non-Road Vehicles**

(Registered Inspection Agency for Non-Road Vehicles)

**Article 26** (1) For a business function regarding inspections to ascertain whether the non-road vehicles comply with the technical standards conducted as a part of duties of the competent minister provided in the proviso of Article 17, paragraph (1) (hereinafter referred to as the "business function of inspecting non-road vehicles"), if there is a person registered by the competent minister (hereinafter referred to as a "registered inspection agency for non-road vehicles"), the competent minister is to have the registered inspection agency for non-road vehicles conduct the relevant business, pursuant to the provisions of order of the competent ministry.

- (2) The competent minister must register a person who has applied for a registration provided for in the preceding paragraph (hereinafter referred to as an "applicant for registration" in this paragraph), if the person satisfies all of the following items. In this case, necessary procedures for registration will be

specified by order of the competent ministry:

- (i) the applicant for registration conducts the business function of inspecting non-road vehicles using a densitometer to measure emissions from non-road vehicles or other instruments;
- (ii) the business function of inspecting non-road vehicles is conducted by two or more people who satisfy the following conditions: Graduated from a university or a national college of technology under the School Education Act after completing the requirements for a diploma of engineering or engines or who have scholastic ability equivalent or superior to these diplomas and who, in addition, have three or more years of experience in total in the engine business;
- (iii) the applicant for a registration does not fall into any of the following cases, and is therefore not controlled by any corporation that engages in the production, etc. of non-road vehicles:
  - (a) if an applicant for a registration is a stock company, a corporation that engages in the production, etc. of non-road vehicles is its parent corporation;
  - (b) officers or employees of a corporation that engages in the production, etc. of non-road vehicles (including those who were officers or employees of a corporation that engages in the production, etc. of non-road vehicles during the past two years) account for more than a half of officers for an applicant for a registration (in cases of a membership company, its executive members);
  - (c) an applicant for a registration (in cases of a corporation, an officer who has the right to represent) is an officer or an employee of a corporation that engages in the production, etc. of non-road vehicles (including those who were officers or employees of the corporation that engages in the production, etc. of non-road vehicles during the past two years).

(Application, Mutatis Mutandis)

Article 27 The provisions of Article 19, paragraphs (2), (3), (5) and 6 and Article 20 apply mutatis mutandis to registration prescribed in paragraph (1) of the preceding Article and the provisions of Articles 21 to 25 apply mutatis mutandis to a registered inspection agency for non-road vehicles. In this case, the term the "business function of inspecting non-road engines" in these provisions are deemed to be replaced with the "business function of inspecting non-road vehicles", the term a "Register of a registered inspection agency for non-road engines" in Article 19, paragraph (5), is deemed to be replaced with a "Register of registered inspection agency for non-road vehicles", and the term "corporation that engages in the production, etc. of non-road engines" in Article 21, paragraph (6) is deemed to be replaced with "corporation that engages in

the production, etc. of non-road vehicles" and the necessary replacement technical terms are specified by Cabinet Order.

## **Chapter V Miscellaneous Provisions**

(Guideline)

- Article 28 (1) If the competent minister finds it necessary in order to control exhaust emissions from non-road vehicles, the minister is to establish an appropriate guideline on the types of fuel to be used in non-road vehicles that are used by persons who use them on a regular basis and on other particulars, and is to make that guideline public.
- (2) The prefectural governor may provide guidance and advice on controlling exhaust emissions from non-road vehicles in accordance with the guidelines prescribed in the preceding paragraph to persons who use non-road vehicles on a regular basis in the prefecture.
- (3) When the prefectural governor provides guidance or advice under the preceding paragraph, the governor must report the content of the relevant guidance or advice to the competent minister pursuant to the provisions of order of the competent ministry.

(Collection of Reports)

- Article 29 (1) The competent minister, to the extent necessary for the enforcement of this Act, may have persons who have obtained a designation of a type of non-road engine under Article 6, paragraph (1) (referred to as a "designated corporation" in paragraph (1) of the following Article), notifying corporations, persons who have been granted an approval for the use of motor vehicles manufactured in small numbers under Article 12, paragraph (3) (referred to as an "approved corporation" in paragraph (1) of the following Article) or users of non-road vehicles make a report concerning necessary matters including how their business is conducted and how non-road vehicles are used.
- (2) The prefectural governor, to the extent necessary for the enforcement of the provisions of Article 18, paragraph (1) or Article 28, paragraph (2), may have the users of non-road vehicles make a report concerning necessary matters including how their business is conducted and how non-road vehicles are used.
- (3) Collection of a report under paragraph (1) (limited to one that can be carried out by the prefectural governor pursuant to the provisions of the preceding paragraph) is to be carried out when an urgent necessity is found to prevent harm to human health or living conditions of people due to the air pollution caused by emissions from non-road vehicles.
- (4) When the prefectural governor has the users of non-road vehicles make a

report pursuant to the provisions of paragraph (2), the governor must report the result to the competent minister pursuant to the provisions of order of the competent ministry.

(On-Site Inspection)

Article 30 (1) The competent minister, to the extent necessary for the enforcement of this Act, may have the officials enter plants or workplaces of designated corporations, notifying corporations, approved corporations or users of non-road vehicles, or other places where non-road vehicles are found to be located, and inspect non-road vehicles, books, documents, or other relevant items, or question relevant persons.

(2) The prefectural governor, to the extent necessary for the enforcement of provisions of Article 18, paragraph (1) or Article 28, paragraph (2), may have the officials enter plants or workplaces of users of non-road vehicles, or other places where non-road vehicles are found to be located, and inspect non-road vehicles, books, documents, or other relevant items, or question relevant persons.

(3) An on-site inspection under paragraph (1) (limited to the one that may be conducted by the prefectural governor pursuant to the provisions of the preceding paragraph) is to be conducted when an urgent necessity is found to prevent harm to human health or living conditions of persons due to air pollution caused by emissions from non-road vehicles.

(4) When the prefectural governor conducts an on-site inspection under paragraph (2), the governor must report the result of the relevant inspection to the competent minister pursuant to the provisions of order of the competent ministry.

(5) An official that conducts an on-site inspection under paragraph (1) or paragraph (2) must carry the identification card and present it to relevant persons.

(6) The authority under paragraph (1) or (2) must not be interpreted as being granted for a criminal investigation.

(Notice to Relevant Prefectural Governors)

Article 31 In the following cases, the competent minister must take measures necessary for provision of notice and other information to the relevant prefectural governor without delay:

- (i) when the minister issues a public notice under Article 10, paragraph (4);
- (ii) when the minister gives an approval under Article 12, paragraph (3);
- (iii) when the minister issues an order under Article 13;
- (iv) when the minister issues a public notice under Article 14, paragraph (2);
- (v) when the minister issues a public notice under Article 15;

- (vi) when the minister makes confirmation under the proviso to Article 17, paragraph (1);
- (vii) when the minister makes the guideline public pursuant to the provisions of Article 28, paragraph (1);
- (viii) when the minister collects a report (limited to reports concerning users of non-road vehicles) pursuant to the provisions of Article 29, paragraph (1);
- (ix) when the minister conducts an on-site inspection under paragraph (1) of the preceding Article (limited to inspections concerning users of non-road vehicles).

(Fees)

Article 32 (1) Any person falling under the following must pay the national government (or a registered inspection agency for non-road engines when it conducts the business function of inspecting non-road engines or a registered inspection agency for non-road vehicles when it conducts the business function of inspecting non-road vehicles) fees that are specified by Cabinet Order, taking into account the actual cost:

- (i) a person who applies for designation prescribed in Article 6, paragraph (1);
  - (ii) a person who applies for an approval prescribed in Article 12, paragraph (3);
  - (iii) a person who applies for an inspection prescribed in the proviso of Article 17, paragraph (1).
- (2) The fees that are paid to a registered inspection agency for non-road engines or to a registered inspection agency for non-road vehicles pursuant to the provisions of the preceding paragraph is treated as income for the registered inspection agency for non-road engines or the registered inspection agency for non-road vehicles, respectively.

(Delegation of Transitional Measures to Orders)

Article 33 When any order is established, revised, or abolished pursuant to the provisions of this Act, necessary transitional measures (including those related to penal provisions) may be specified by that order within the scope deemed to be reasonably necessary in establishing, revising or abolishing that order.

(Competent Minister)

Article 34 (1) The competent ministers in this Act are the Minister of the Environment, the Minister of Economy, Trade and Industry, and the Minister of Land, Infrastructure, Transport and Tourism; provided, however, that for the matters set forth in each of the following items, the competent minister is the minister specified in each of those items:

- (i) matters concerning reports under Article 18, paragraph (2), collection of

reports under Article 29, paragraph (1) (limited to reports concerning users of non-road vehicles) and reports under paragraph (4) of the same Article, and on-site inspections under Article 30, paragraph (1) (limited to inspections concerning users of non-road vehicles) and reports under paragraph (4) of the same Article: the Minister of the Environment and the minister having jurisdiction over the business that uses non-road vehicles;

(ii) matters concerning formulation and publication of a guideline under Article 28, paragraph (1) and matters concerning reports under paragraph (3) of the same Article: The minister having jurisdiction over the business that uses non-road vehicles.

- (2) Orders of the competent ministry in this Act are orders issued by the competent minister.
- (3) The competent minister must consult with the Minister of the Environment in advance in establishing the guidelines referred to in Article 28, paragraph (1). The same applies when the minister intends to make changes to it.

(Cooperation of Competent Ministers and Prefectural Governors)

Article 35 When the competent minister or the prefectural governor conducts business functions provided in this Act, they are to do so in close mutual coordination.

(Entrustment of Authority)

Article 36 The matters that belong to the authority of the competent minister pursuant to the provisions of this Act may be delegated to the head of a local branch office, pursuant to the provisions of order of the competent ministry.

## **Chapter VI Penal Provisions**

Article 37 Any person who has violated a prohibition under Article 14, paragraph (1) is sentenced to imprisonment for not more than one year or a fine of 1,000,000 yen or less.

Article 38 Any person who has violated the provisions of Article 22, paragraph (1) (including if applied *mutatis mutandis* pursuant to Article 27) is liable to a sentence of imprisonment for not more than six months or a fine of 500,000 yen or less.

Article 39 When an individual has violated an order suspending a business function of inspecting non-road engines or a business function of inspecting non-road vehicles under Article 23, paragraph (5) (including cases where it is applied *mutatis mutandis* pursuant to Article 27), the officer or the staff

member of the registered inspection agency for non-road engines or of the registered inspection agency for non-road vehicles who has committed the offenses is sentenced to imprisonment for not more than six months or a fine of 500,000 yen or less.

Article 40 Any person who has placed a label in violation of the provisions of Article 12, paragraph (4) is fined 500,000 yen or less.

Article 41 Any person who falls under any of the following items is fined 300,000 yen or less:

- (i) any person who has placed a label in violation of the provisions of Article 7, paragraph (2);
- (ii) any person who has filed a false notification when submitting a notification under Article 10, paragraph (1);
- (iii) any person who has failed to compile a record or who has compiled a false record or who has failed to keep the record in violation of the provisions of Article 11, paragraph (2);
- (iv) any person who has used a non-road vehicle in violation of the provisions of Article 17, paragraph (1);
- (v) any person who has violated an order under Article 18, paragraph (1);
- (vi) any person who has failed to make a report or who has made a false report under Article 29, paragraph (1) or paragraph (2);
- (vii) any person who has rejected, obstructed, or evaded an inspection under Article 30, paragraph (1) or (2), or who has failed to make a statement in reply to a question or has made a false statement.

Article 42 When an individual falls under any of the following items, an officer or a staff member of a registered inspection agency for non-road engines or a registered inspection agency for non-road vehicles who has committed the offense is fined 300,000 yen or less:

- (i) when a person, in violation of the provisions of Article 21, paragraph (7) (including a case when it is applied *mutatis mutandis* pursuant to Article 27), has failed to enter the particulars provided in the same paragraph, has made a false entry or has failed to keep a book;
- (ii) if a person has abolished the whole business function of inspecting non-road engines or the business function of inspecting non-road vehicles without permission as prescribed in Article 21, paragraph (8) (including a case when it is applied *mutatis mutandis* pursuant to Article 27);
- (iii) if a person has failed to make a report under Article 24, paragraph (1) (including cases where it applies *mutatis mutandis* pursuant to Article 27) or has made a false report, or who has rejected, obstructed or evaded an

inspection under the same paragraph or has failed to make a statement in reply to a question as prescribed in the same paragraph or has made a false statement.

Article 43 When a representative of a corporation or an agent, an employee or other workers of a corporation or an individual has committed an offense as prescribed in Article 37, Article 40 or Article 41 with regard to the business of the relevant corporation or individual or a non-road vehicle owned or used by the relevant corporation or individual, not only is the offender liable to a penalty but the relevant corporation or individual is also liable to a fine as prescribed in the respective Articles.

Article 44 A person who, in violation of the provisions of Article 10, paragraph (3), has failed to file a notification or has filed a false notification is liable to a civil fine of 200,000 yen or less.

Article 45 When an individual falls under any of the following items, an officer or a staff member of a registered inspection agency for non-road engines or a registered inspection agency for non-road vehicles who has committed the offense is liable to a civil fine of 200,000 yen or less:

- (i) when a person, in violation of the provisions of Article 21, paragraph (5) (including a case when it applies *mutatis mutandis* pursuant to Article 27), has failed to prepare financial statements, etc. or failed to enter particulars required to be entered in financial statements, etc. or has made a false entry therein;
- (ii) if, a person has refused a request under any of the items of Article 21, paragraph (6) without a justifiable reason (including a case as applied *mutatis mutandis* pursuant to Article 27).

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into force from the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Section III, Article 28, paragraph (2), Article 29 (limited to those provisions related to a user of a non-road vehicle) and Article 38, items (iv) and (v), come into force on the date specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Chapter III (including penal provisions pertaining to these provisions) do not apply to non-road vehicles that are produced prior to the date provided in the proviso of the preceding Article, attached with documents and other objects certifying that they are produced prior to that date, pursuant to the provisions of order of the competent ministry.

(Consideration)

Article 3 After five years have passed since this Act comes into effect, the government is to, while taking into account the status of enforcement of this Act, review the provisions of this Act and take necessary measures based upon the results of the review, when finding it necessary.

**Supplementary Provisions [Act No. 44 of June 24, 2015 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2016.

**Supplementary Provisions [Act No. 50 of June 26, 2015 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2016; provided, however, that the provisions set forth in each of the following items come into effect as of the date specified in each of those items:

- (i) provisions of Article 6, Article 8 (limited to the provisions amending Article 3-2 and Article 3-3, paragraph (2) of the Act on Establishment of Agricultural Promotion Regions), Article 9 (limited to the provisions amending Article 4, paragraph (8) of the Act on the Promotion of the Improvement of Basic Conditions of Agriculture, Forestry and Other Business in Hilly and Mountainous Areas), Article 11 (limited to the provisions adding a new Article after Article 33-17 of the Quarrying Act) and Article 17 (except for the provisions deleting Article 80 of the Building Standards Act, replacing Article 80-2 of the same Act with Article 80 of the same Act, replacing Article 80-3 of the same Act with Article 80-2 of the same Act and amending Article 83 of the same Act) and provisions of Article 4 and Article 6 to 8 of the Supplementary Provisions: Date of promulgation;
- (ii) omitted
- (iii) provisions of Article 10 and 19: April 1, 2017.

(Transitional Measures on Disposition and Application)

Article 6 (1) With regard to the application of respective laws amended by this Act after the date of enforcement of this Act (with regard to the provisions set

forth in the items of Article 1 of the Supplementary Provisions, the respective provisions; hereinafter the same applies in this and the following Article), permissions given and other dispositions imposed or other acts carried out pursuant to the provisions of respective laws prior to amendment by this Act before the enforcement of this Act (hereinafter referred to as the "dispositions and other acts" in this paragraph), or applications for permission, etc. filed or other acts carried out pursuant to the provisions of respective laws prior to amendment by this Act at the time of the enforcement of this Act (hereinafter referred to as the "applications and other acts" in this paragraph), for which the administrative functions are to be conducted by a different person on the date of enforcement of this Act, are deemed to be the dispositions and other acts or the applications and other acts carried out pursuant to the corresponding provisions of the respective laws amended by this Act, except those specified in the provisions of Article 2 of the Supplementary Provisions to the preceding Article or in the provisions of Cabinet Order based on the provisions of Article 8 of the Supplementary Provisions.

- (2) With regard to the matters for which a report, notification, submission, or other procedures are required to be made or taken with the institutions of national or local governments pursuant to the provisions of respective laws prior to amendment by this Act before the date of enforcement of this Act, if these procedures have not yet been taken by the date of enforcement of this Act, the provisions of the respective laws amended by this Act apply to those procedures, beyond what is specified in the provisions of Article 2 of the Supplementary Provisions to the preceding Article or in the provisions of Cabinet Order based on the provisions of Article 8 of the Supplementary Provisions, by deeming the report, notification, submission, or other procedures have not yet been made with regard to matters for which those procedures are to be taken with the corresponding institutions of national or local governments pursuant to the corresponding provisions of the respective laws amended by this Act.

(Transitional Measures Pertaining to Penal Provisions)

Article 7 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 8 Beyond what is provided in Article 2 to the preceding Article of the Supplementary Provisions, transitional measures (including those pertaining to penal provisions) necessary for the enforcement of this Act are specified by Cabinet Order.