

Law relating to restrictions regarding Non-road Special Motor Vehicle Exhaust Emissions

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Supplementary Provisions

Chapter 1: General Provisions

(Objective)

Article 1

The objectives of this Law shall be to reduce NSMV Exhaust emissions and to protect public health and the environment from air pollution in Japan by providing technical standards for Non-road engines and Non-road Special Motor Vehicles (NSMVs) and providing necessary regulations for the use of NSMVs.

(Definition)

Article 2

“NSMV” in the Law governing the motor vehicles specified in section 2 of Article 2 under the Road Trucking Vehicle Law (Law No. 185, 1951) (not including motor vehicles for transport services provided for under section 5 of the same Article) and shall refer to the following vehicles (excluding the tools manufactured to move objects over land by traction and other tools provided for by government ordinance).

1. Large-scale special motor vehicles and small-scale special motor vehicles provided for in Article 3 of the Road Trucking Vehicles Law
2. Motor vehicles falling under the category of construction machinery provided for in Article 2 under the Construction Machines Security Law (Law No. 97, 1954) (not including the example mentioned above) and other mechanisms that are special motor vehicles provided for by government ordinance

Section 2

“Non-road Engines” in this Law shall mean engines installed into NSMV and equipment installed in NSMV as a unit, and shall mean the objects provided for by competent ministerial ordinance.

Section 3

“NSMV Exhaust” in this Law shall mean carbon monoxide, hydrocarbons and lead created by the NSMV, or any other material that may cause damage to public health and the environment, and shall mean objects provided for by ministerial ordinance.

(National Liability)

Article 3

The nation shall be required to make every effort to establish policies, such as the policy of maintaining international cooperation regarding the regulation of NSMV Exhaust emission, the policy of expanding education and knowledge regarding the reduction of NSMV Exhaust and the policy of reducing air pollution caused by other NSMV Exhausts.

(Enterprise and User Liability)

Article 4

When manufacturing, NSMVs, NSMV Enterprises (i.e. manufacturers and importers (herein referred to as “Enterprises”) of NSMVs. Referred to as the same hereafter) shall make their best effort to reduce the air pollution caused by NSMVs Exhaust emitted as a result of the use of the NSMVs.

Section 2

The Users of NSMVs shall make every effort to take the necessary steps to reduce the air pollution caused by NSMV exhaust, and shall cooperate with national policy to reduce the air pollution caused by NSMV Exhaust.

Chapter 2: Non-road Engines and Non-road Special Motor Vehicles (NSMV)

Section 1: Designation of types of Non-road Engines

(Technical standards of Non-road Engines)

Article 5

The competent minister shall provide thorough competent ministerial ordinance of the technical standards necessary for reducing air pollution caused by NSMV Exhaust (herein referred to as “The technical standards of Non-road Engines”), from Non-road Engines.

(Designation of type s of Non-road Engines)

Article 6

The competent minister shall designate types of Non-road Engines on the basis of applications submitted by manufacturers of Non-road Engines (herein referred to as “Non-road Engine Enterprises”).

Section 2

The application for specification in the previous section shall be submitted by manufacturers of

designated foreign Non-road Engines that will be imported into Japan or by any other party authorised to import Non-road Engines into Japan that has made a contract to purchase Non-road Engines from such manufacturers.

Section 3

The specifications mentioned in section 1 shall be made in accordance with the judgement as to whether the Non-road Engines relating to the application complies with the technical standards for Non-road Engines and whether such compliance is uniform.

Section 4

The specifications mentioned in section 1 can be made by placing limitations on the scope of Non-road Special Motor Vehicles to which Non-road Engines can be installed.

Section 5

The competent minister can cancel designation of certified Non-road Engines (herein referred to as “Designated Non-road Engines”), provided for in section 1 in the event that they cease to comply or to comply uniformly with the technical standards of Non-road Engines. In such cases, the competent minister can limit the scope of effectiveness for cancelling Non-road Engines that have been produced prior and up to the day of cancellation.

Section 6

In addition to the previous section, in the event that one or more of the following provisions are applicable to a designated foreign Non-road Engine Enterprise (i.e. the parties provided for in section 2 or specified in section 1 regarding types of Non-road Engines that are manufactured and imported. The same shall apply hereafter.), the competent minister can cancel the certifications regarding designated foreign Non-road Engine Enterprises.

(i) In the event that a designated foreign Non-road Engine Enterprise is in breach of the restrictions provided for on the basis of Article 8 of the competent ministerial ordinance (limited to the designations specified in Section 1).

(ii) In the event that a designated foreign Non-road Engine Enterprise does not submit a report or submits a false report as requested by the competent minister, the Law will be enforced on the basis of the report of business activities from the Enterprise.

(iii) In the event that inspection is refused, prevented or avoided, or a statement is not given in

response to questions, or a false statement is given when the competent minister dispatched officials to inspect the Non-road Engines, accounts, and documents and other objects on-site at the plant or business location of the specified foreign Non-road Engine Enterprise, or in a place where Non-road Engines of a specified type exist, or when the competent minister intends to require officials to ask questions to the relevant parties to the extent necessary for enforcing this Law.

Section 7

Of the specified equipment provided for in Article 75, section 2, subsection 1 of the Road Trucking Vehicles Law, objects provided for in the competent ministerial ordinance shall be considered Non-road Engines of a specific type in the event of designation of type on the basis of the provisions of the same law.

(Labelling of Non-road Engines)

Article 7

Any party that has submitted an application in accordance with the provisions of section 1 of the previous Article shall attach the label specified by the competent ministerial ordinance to each Non-road Engine of a specified engine type provided for by the application.

Section 2

Multiple parties may not attach the same label as, or a similar label to, that mentioned in the previous section to Non-road Engines except under the conditions mentioned in the previous section.

(Delegation to the competent ministerial ordinance)

Article 8

In addition to this chapter, the procedures for designating types of Non-road Engines and other matters necessary for the enforcement of the provisions of this chapter shall be provided for by competent ministerial ordinance.

Section 2: Notification of types of Non-road Special Motor Vehicles (NSMVs)

(Technical Standards for NSMV)

Article 9

With regard to components that are not a part of NSMV Non-road Engines, the competent minister must provide in the competent ministerial ordinance the technical standards (herein referred to as

“NSMV technical standards”), required to reduce air pollution caused by NSMV exhaust emissions.

(Notification of types of Non-road Special Motor Vehicles)

Article 10

In the event that an NSMV Enterprise installs a designated Non-road Engine into the NSMVs it manufactures and it is recognised that the Enterprise is able to ensure that all NSMVs identified as being the same type will comply with technical standards, the Enterprise may submit notification to the competent minister of the following matters under the provisions of the competent ministerial ordinance.

- (1) Name or title, address and name of the representative in the case of a corporate body
- (2) Name and type of the NSMV
- (3) The type of designated Non-Road Engine with respect to the NSMV
- (4) The method to assure that all items identified as falling under the same given NSMV designation will comply with the technical standards of NSMVs (herein referred to as “the verification method”).

Section 2

The notification in the previous section may be submitted by foreign manufacturers of NSMV that will be imported into Japan or by any other party authorised to import NSMV into Japan that has made a contract to purchase NSMV from such manufacturers.

Section 3

In the event of modification of the facts mentioned in subsection 1 or subsection 4 of section 1, the party that submitted notification (herein referred to as “the notifying Enterprise”) as provided for by section 1, must notify the competent minister of such modification without delay in accordance with the competent ministerial ordinance.

Section 4

In the event that the notification has been submitted as provided for by section 1, the competent minister must inform the public of such submission. In the event that the notification has been submitted under the previous section, this principle shall also be applicable in the event of further modification of the informed facts.

(Obligation of compliance with technical standards)

Article 11

In the event that the notifying enterprise has produced the NSMVs in respect of the notification (herein referred to as “the notified type NSMVs”) provided for under section 1 in the previous article, the notifying enterprise must make every effort to comply with the technical standards of NSMVs.

Section 2

The notifying Enterprise shall inspect the notified type NSMVs using the assurance method related to the notification provided for under section 1 in the previous article and must make and maintain an inspection record in accordance with the competent ministerial ordinance.

(Labelling of NSMVs)

Article 12

In the event that the notifying Enterprise has performed the duty provided for in section 2 of the previous article in respect of the notified type NSMVs, the Enterprise shall be able to attach the label, provided for under the competent ministerial ordinance to the notified type NSMVs (herein referred to as “the standards compliance label”).

Section 2

In the event that the Enterprise that has produced the NSMVs performs the order regulated duty, based upon the Road Trucking Vehicles Law, provided for under the competent ministerial ordinance, that is deemed the duty equivalent to that provided for by section 2 in the previous Article, the Enterprise shall be able to attach the standards compliance label.

Section 3

In the event that an NSMV Enterprise produces a quantity of NSMVs identified as the same type that does not exceed the number of motor vehicles controlled under the government ordinance (herein referred to as “a small quantity of motor vehicles”), taking into consideration the circumstances surrounding NSMV Exhaust emission and other factors, and that the competent minister approves the NSMVs on the grounds that they comply with the standards provided for under the competent ministerial ordinance, the Enterprise shall be entitled to attach the label provided for under the competent ministerial ordinance to the minority of produced vehicles (herein referred to as “the special minority label”).

Section 4

No enterprise is permitted to utilise the standards compliance label, minority specification label or other similar labels to the NSMVs with the exception of the attached label previously mentioned in

section 3.

(Improvement Orders to the Notifying Enterprise)

Article 13

In the event that the competent minister acknowledges that the notifying Enterprise has been in breach of section 1 of Article 11 and that it will be necessary to ensure that the Notified type of NSMVs have complied with the technical standards of NSMVs, the competent minister shall be able to order the notifying Enterprise to take the necessary steps for the improvement of the assurance method with regard to the notification under section 1 of Article 10 and for the improvement of other services.

(Prohibition of Labelling)

Article 14

In the event that the following subsection applies, the competent minister shall be able to prohibit the notifying Enterprise from attaching the standards compliance label to the NSMVs identified as the type specified in each of these subsections.

(1) In the event that all or most of the Notified type NSMVs identified as the same type have been recognised as being in violation of the technical standards of NSMVs. Type of the Notified type NSMVs.

(2) In the event that the notifying Enterprise has been in breach of the order under the previous article.

Section 2

In the event that the competent minister has prohibited the notifying Enterprise from attaching the standards compliance label under the previous section, the minister must inform the public of this prohibition.

(Invalidation of Standards Compliance Labels)

Article 15

In the event that the competent minister has recognised and informed the public that all or most of the notified NSMV types identified as the same are in violation of the NSMV technical standards, the standards compliance label shall be invalidated for the NSMVs identified as being the notified NSMV type.

(Delegation to the Competent Ministerial Ordinance)

Article 16

In addition to this section, the procedures for notification of the type of NSMV and other matters necessary for the enforcement of the provisions of this section shall be established by the competent ministerial ordinance.

Chapter 3 Restrictions regarding the use of NSMVs

(Restrictions on Use)

Article 17

NSMVs shall not be used unless the standards compliance label or the minority specification label is attached. However, this principle shall not apply in the event that an NSMV undergoes the inspection conducted by the competent minister before use in accordance with the competent ministerial ordinance and that the NSMV is approved as being in compliance with the technical standards of Non-road Engines and NSMVs.

Section 2

In the event that the NSMV is used for testing and research, and that the standards compliance label is invalidated after the commencement of said use under Article 15 and that other competent ministerial ordinances have been provided, the previous section shall not apply.

(Order for Compliance with Technical Standards)

Article 18

In the event that the competent minister recognises that an NSMV is not in compliance with technical standards (herein referred to as “the technical standards for Non-road Engines and NSMVs”. Referred to as the same hereafter (The same standard shall apply for a small quantity of motor vehicles that have attained approval in accordance with the provisions of Section 3 in Article 12)), the minister shall order the user(s) of the NSMVs to improve the NSMVs within a specified period, to the extent necessary for compliance with the technical standard.

Chapter 4: Registered Inspection Organisation for Non-road Engines and NSMVs

Section 1: Registered Inspection Organisation for Non-road Engines

(Registered Inspection Organisation for Non-road Engines)

Article 19

In the event that a party (herein referred to as “Registered Inspection Organisation for Non-road Engines”) that is registered by the competent minister to execute the official work (herein referred to as “The official work of inspecting Non-road Engines”) of conducting inspections so as to determine whether or not Non-road Engines comply with the technical standards of Non-road Engines, among the official duties regarding the designation of types of Non-road Engines provided for under Section 1 in Article 6, the competent minister shall require the Registered Inspection Organisation for Non-road Engines to perform the official work in accordance with the competent ministerial ordinance.

Section 2

The registration mentioned in the previous section (herein referred to as “the registration” in this section) shall be performed in accordance with the application from the party that intends to execute the official work of inspecting Non-road Engines.

Section 3

Parties to which one of following items applies shall not be registered:

(1) In the event that the party has been in breach of this Law or the orders provided for by this Law and has been assigned a penalty greater than a fine whereby the enforcement has been completed or regarding which two years have not passed from the date that the party was no longer subject to the enforcement.

(2) In the event that the party whereby the registration is cancelled under Section 4 and 5 in Article 23 has not spent two years commencing from the date of the cancellation.

(3) In the event that the party is a corporate body and that one of the previous items applies to the executives that will conduct commercial business.

Section 4

In the event that the party applying for the registration (herein referred to as “Applicant for registration”) has complied with all the requirements in the following sections, the competent minister is permitted to register the party. In such cases, the necessary procedures for registration shall be decided in accordance with the competent ministerial ordinance.

(1) In the event that the parties have completed the required engineering or other course regarding the Engines in University or Technical College as specified under the School Education Law (Law No. 26,

1947) or that the parties have the same or more than the academic achievement of the above-mentioned education, and that parties with more than three years practical experience of Engines will perform the official work of inspecting Non-road Engines and that the number of these parties will comprise more than two (2) members.

(2) The applicant for registration is not a party controlled by a Non-road Engine Enterprise and is not applicable to one of the following items.

(a) The applicant for registration is a joint-stock company or limited company whereby the parent company is a Non-road Engine Enterprise (the parent company as defined by subsection 1 of section 2 in Article 211 of the Commercial Law (Law No. 48, 1900). Referred to as the same hereafter.).

(b) The percentage of executives (the managing partners in the case of a limited partnership or joint-stock partnership) of the applicant for registration constitutes more than half of the executives or employees of the Non-road Engine Enterprise (including executives or employees of the Non-road Engine Enterprise for the past two years).

(c) The applicant for registration (in the case of a corporate body, the executives with rights of representation.) is an executive or employee of the Non-road Engine Enterprise (including executives or employees of the Non-road Engine Enterprise for the past two years).

Section 5

The registration shall be executed by describing the following matters in the Registered Inspection Organisation for Non-road Engines Register.

(1) Date, Month, Year of registration and reference number

(2) Name, title or address of the registered party or name of the representative in case of a corporate body

(3) Name and location of the business place where the registered party will perform the official work of inspecting Non-road Engines

(4) In addition to the previous section 3, the other matters provided for by the competent ministerial ordinance

Section 6

In the event that the registration has been completed, the competent minister shall not perform the official work of inspecting Non-road Engines related to the registration.

(Renewal of Registration)

Article 20

In the event that the registration is not renewed each period of more than three (3) years as provided for by government ordinance, the registration shall be invalidated upon expiration of said period.

2. The provisions from Section 2 to section 5 in the previous article shall apply to the renewal for registration mentioned in the previous section.

(Provisions for Strict Observance)

Article 21

In the event that the Registered Inspection Organisation for Non-road Engines is required to perform the official work of inspecting Non-road Engines, the Registered Inspection Organisation for Non-road Engines must execute the official work of inspecting Non-road Engines without delay with the exception of cases where there are reasonable grounds for non-execution.

Section 2

The Registered Inspection Organisation for Non-road Engines must perform the official work of inspecting Non-road Engines in a fair manner or in accordance with the method(s) provided for by the competent ministerial ordinance.

Section 3

In the event that the Registered Inspection Organisation for Non-road Engines intends to change the business location where official work of inspecting Non-road Engines is executed, the Registered Inspection Organisation for Non-road Engines must notify the competent minister of that intention no later than two weeks before the date of such change.

Section 4

The Registered Inspection Organisation for Non-road Engines must provide and receive the approval of the competent minister for the rules regarding the official work of inspecting Non-road Engines in accordance with the competent ministerial ordinance

before commencing official work of inspecting Non-road Engines. This principle shall also apply to circumstances where these rules need to be changed.

Section 5

The Registered Inspection Organisation for Non-road Engines must create a list of assets, a lease table and a profit and loss statement or an account of income and expenditure, and a business or project report (including the electromagnetic record (which is created via an electronic, magnetic or other method not recognised by human senses and for the purpose of data processing by electronic computer. Referred to as the same hereafter, (in the event that the electromagnetic record has been made instead of creating written documents. Herein referred to as “financial statements”) for the financial year within three (3) months after the close of each business year and must maintain these documents at the business office for five (5) years.

Section 6

The Non-road Engine Enterprise and other privies can make the following requests at any time during the business hours of the Registered Inspection Organisation for Non-road Engines. However, the fee specified by the Registered Inspection Organisation for Non-road Engines shall be paid in order to make the requests described in items 2 or 4.

- (1) Request to view and copy any written documents of financial statements that have been created.
- (2) Request for a written certified copy or extract copy of the financial statement mentioned above.
- (3) Request to view or copy the document that describes the facts recorded in the electromagnetic record in the event that the financial statement is created by means of an electromagnetic record.
- (4) Request for the facts recorded in the electromagnetic record provided by the electromagnetic method in accordance with the competent ministerial ordinance and request for provision of the written documents outlining the facts

Section 7

The Registered Inspection Organisation for Non-road Engines shall prepare and maintain

records of accounts in accordance with the competent ministerial ordinance and description of the facts, which relate to the official work of inspecting Non-road Engines as provided for by the competent ministerial ordinance.

Section 8

The Registered Inspection Organisation for Non-road Engines shall not stop or abolish all or a part of the official work of inspecting Non-road Engines without obtaining the approval from the competent minister.

Section 9

In the event that the Registered Inspection Organisation for Non-road Engines has stopped all or part of the official work of inspecting Non-road Engines by obtaining the approval from the competent minister provided for in the previous section, and that the Registered Inspection Organisation for Non-road Engines is ordered to stop all or part of the official work of inspecting Non-road Engines provided for by Section 5 in Article 23 or that it is difficult for the Registered Inspection Organisation for Non-road Engines to perform all or part of the official work of inspecting Non-road Engines on the grounds of natural disaster or other reasons, the competent minister shall execute all or part of the official work of inspecting Non-road Engines.

Section 10

In the event that the competent minister performs all or part of the official work of inspecting Non-road Engines, as provided for by the previous section, and that the Registered Inspection Organisation for Non-road Engines abolishes all or part of the official work of inspecting Non-road Engines by obtaining the approval from the competent minister as provided for by Section 8, and that the competent minister cancels the registration provided for by Section 4 or section 5 in Article 23, the necessary issues for taking over the official work of inspecting Non-road Engines and other issues shall be decided in accordance with the competent ministerial ordinance.

(Obligation to Maintain Confidentiality)

Article 22

The executives, officials or the party shall not disclose to other parties any information made privy to regarding the official work of inspecting Non-road Engines.

Section 2

The executives or employees of the Registered Inspection Organisation for Non-road Engines that will be engaged in carrying out the official work of inspecting Non-road Engines shall be the employees who will be performing official duties in accordance with the application of Criminal Law (The Meiji 40 Law, Section 45) and other penalties.

(Orders for Compliance by the Registered Inspection Organisation for Non-road Engines)

Article 23

In the event that the competent minister acknowledges that the Registered Inspection Organisation for Non-road Engines has not complied with one of items in Section 4 of Article 19, the competent minister shall order the Registered Inspection Organisation for Non-road Engines to take the necessary steps to comply with these items.

Section 2

In the event that the competent minister acknowledges that the Registered Inspection Organisation for Non-road Engines has been in breach of Section 1 or section 2 in Article 21, the competent minister shall order the Registered Inspection Organisation for Non-road Engines to officially inspect the Non-road Engines or to take the steps necessary to improve the methods for carrying out the official work of inspecting Non-road Engines.

Section 3

In the event that the competent minister acknowledges that Section 4 in Article 21 has been unreasonable with regard to the performance of the official work of inspecting Non-road Engines fairly, the competent minister shall order the provision to be changed.

Section 4

In the event that item 1 or item 3 in section 3 of Article 19 is applicable to the Registered Inspection Organisation for Non-road Engines, the competent minister is permitted to cancel the registration.

Section 5

In the event that one of following items is applicable to the Registered Inspection Organisation for Non-road Engines, the competent minister may cancel the registration or

shall order all or part of the official inspection work of Non-road Engines to be stopped within a specified period.

(1) The Registered Inspection Organisation for Non-road Engines has been in breach of the provisions from Section 3 to section 5 in Article 21 and Section 7 or section 8 in the same article.

(2) The Registered Inspection Organisation for Non-road Engines has performed the official work of inspecting Non-road Engines without complying with Section 4 in Article 21.

(3) The Registered Inspection Organisation for Non-road Engines has refused any of the requests specified in the items of section 6 in Article 21 without reasonable grounds.

(4) In the event that the Registered Inspection Organisation for Non-road Engines has been in breach of the orders provided from Section 1 to section 3.

(5) The Registered Inspection Organisation for Non-road Engines has been registered by unfair means.

(Collection of Reports and On-site Inspection)

Article 24

The competent minister can request reports related to the official work of inspecting Non-road Engines from the Registered Inspection Organisation for Non-road Engines or can require employees to enter into an office of the Registered Inspection Organisation for Non-road Engines and other business places to inspect accounts, documents and other necessary objects or to ask questions to the related parties, to the extent necessary for enforcement of the provisions in this section.

Section 2

The officials that will conduct the on-site inspection must carry identification to indicate their status and show the identification to the relevant parties.

Section 3

The power provided for in Section 1 shall not be interpreted as the power to conduct

criminal investigations.

(Publication)

Article 25

In the case of the following issues, the competent minister must disclose information to their effect in an official journal.

1. In the event of the registration
2. In the event of the notification provided for by Section 3 in Article 21
3. In the event of the approval provided for by Section 8 in Article 21
4. In the event that the competent minister intends to perform all or part of the official work of inspecting Non-road Engines or that the competent minister intends to stop performing all or part of the official work of inspecting Non-road Engines which had previously been performed by the competent minister.
5. In the event that the registration is cancelled in accordance with Section 4 or section 5 in Article 23 or that all or part of the official work of inspecting Non-road Engines is ordered to stop in accordance with the same section.

Section 2: Registered Inspection Organisation for Non-road Special Motor Vehicles

(Registered Inspection Organisation for Non-road Special Motor Vehicles)

Article 26

In the event that a party (herein referred to as “Registered Inspection Organisation for NSMVs”) is registered by the competent minister with regard to the official work (herein referred to as “The official work of inspecting NSMVs”) of conducting the inspection for determining whether NSMVs will comply with technical standards, among the official work conducted by the competent minister under a conditional clause in Section 1 of Article 17, the competent minister shall require the Registered Inspection Organisation for NSMVs to perform the official work in accordance with the competent ministerial ordinance.

Section 2

In the event that the party applying for registration mentioned in the previous section (herein referred to as “the applicant for registration”) complies with all of the following sections, the competent minister must provide the registration for the party. If this is the case, the necessary procedures for registration shall be decided by the competent ministerial ordinance.

(1) The official work of inspecting NSMVs will be performed using a densitometer or other devices for inspecting the NSMV Exhaust.

(2) The parties have completed the required engineering course or similar at University or Technical College as specified under the School Education Law; or the parties have the same or more than the academic achievement of the above-mentioned qualification and the parties with more than three years practical Engine experience will perform the official work of inspecting NSMVs and the number of these parties will comprise more than two (2) members.

(3) The applicant for registration is not a party controlled by a Non-road Engine Enterprise and is not applicable to one of the following items.

(a) The applicant for registration is a joint-stock company or limited company whereby the parent company is a Non-road Engine Enterprise.

(b) The percentage of executives (the managing partners in the case of a limited partnership or joint-stock partnership) of the applicant for registration constitutes more than half of the executives or employees of the Non-road Engine Enterprise (including executives or employees of the Non-road Engine Enterprise for the past two years).

(c) The applicant for registration (in the case of a corporate body, the executives with representation rights) is an executive or employee of the Non-road Engine Enterprise (including executives or employees of the Non-road Engine Enterprise for the past two years).

(Application)

Article 27

The provisions, such as Section 2, Section 3 and Section 5 in Article 19 and Article 20

shall apply to the registration mentioned in Section 1 of the previous Article and the provisions from Article 21 to Article 25 shall apply to the Registered Inspection Organisation for NSMVs. If this is the case, “The official work of inspecting Non-road Engines” in these provisions shall be applied as “The official work of inspecting NSMVs” and “The Registered Inspection Organisation for Non-road Engines Register” provided for by Section 5 in Article 19 shall be applied as “The list of Registered Inspection Organisation for NSMVs”. Furthermore, “The Non-road Engine Enterprise” provided for by Section 6 in Article 21 shall be applied as “The NSMV Enterprise”. In addition, the necessary application shall be provided for by the government ordinance.

Chapter 5 Miscellaneous Provisions

(Guidelines)

Article 28

In the event that the competent minister acknowledges that it is necessary to plan to reduce NSMV Exhaust, the competent minister shall provide the necessary guidelines for the type of fuels and other issues regarding the NSMVs used by parties using them for commercial purposes and shall inform the public of these guidelines.

Section 2

The competent minister can guide and advise the parties using the NSMVs for commercial purposes to reduce NSMV Exhaust in accordance with the guidelines mentioned in the previous section.

(Collection of Reports and On-site Inspection)

Article 29

The competent minister can require a party that has obtained approval for the type of Non-road Engines (herein referred to as the “Approved Enterprise” in the next section) in accordance with the provisions of Section 1 in Article 6, the notifying Enterprise and the party approved for a small quantity of motor vehicles (herein referred to as “the approved Enterprise” in the next section) or the party using the NSMV, to report on the situation of the business, the use of NSMVs and other issues to the necessary extent for the execution of this Law.

Section 2

The competent minister can require its employees to enter into the factory or business place of the approved Enterprise, the notifying Enterprise and the approved Enterprise or the party using NSMVs or the place where the NSMVs are acknowledged to exist in order to inspect the NSMVs, the accounts, the documents and other necessary objects or to ask questions to the relevant parties to the extent necessary for the execution of this Law.

Section 3

The officials that will conduct the on-site inspection must carry identification to indicate their status and show the identification to the relevant parties.

Section 4

The powers provided for in Section 2 shall not be interpreted as the power to conduct criminal investigations.

(Fee)

Article 30

The following parties must pay the fee calculated for actual expenses provided for by the government ordinance to the federal government (the Registered Inspection Organisation for Non-road Engines in the event that the Registered Inspection Organisation for Non-road Engines will perform the official work of inspecting the Non-road Engines, or the Registered Inspection Organisation for NSMVs in the event that the Registered Inspection Organisation for NSMVs will perform the official work of inspecting the NSMVs).

- (1) The party that intends to seek approval in accordance with Section 1 in Article 6
- (2) The party that intends to seek approval in accordance with Section 3 in Article 12
- (3) The party that intends to undergo inspection in accordance with the conditional provisions of section 1 in Article 17

Section 2

The fee paid to the Registered Inspection Organisation for Non-road Engines or the Registered Inspection Organisation for NSMVs in accordance with the previous

provision, shall be considered the income for the Registered Inspection Organisation for Non-road Engines or the Registered Inspection Organisation for NSMVs.

(Delegation of Order of Interim Measures)

Article 31

In the event that an order is established or abolished on the basis of the provisions of this Law, required interim measures with regard to such establishment or abolishment (including interim measures regarding penal regulations) can be established in accordance with the order to the reasonable extent deemed necessary.

(Competent Ministers)

Article 32

The competent ministers under this Law comprise the Minister of the Environment, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure and Transportation. However, the ministers shall be designated in accordance with the issues described in the following sections.

(1) Issues relating to the order in Article 18 and the collection of reports in Section 1 of Article 29 and the on-site inspection in Section 2 of the same article (limited to the party using the NSMVs)

The Minister of the Environment and the minister with jurisdiction over the project using NSMVs

(2) Issues relating to the provision and publication of guidelines in Section 1 of Article 28 and the guidance and advice in Section 2 of Article 28

The minister holding jurisdiction over the project using NSMVs

Section 2

The competent ministerial ordinance provided for by this Law shall be the order issued by the competent minister.

Section 3

In the event that the competent minister intends to provide the guidelines in Section 1 of Article 28, the competent minister must consult with the Minister of the Environment in advance. Similarly, this principle shall be applied to circumstances in which the competent minister intends to change the guidelines.

(Delegation of powers)

Article 33

The issues relating to the powers of the competent minister provided for by this Law shall be delegated to the heads of local governments under the competent ministerial ordinance.

Chapter 6: Penal Regulations

Article 34

Parties in breach of the prohibitions provided for by Section 1 in Article 14 shall be subject to the sentence of less than one year or a fine of less than 1 million Yen.

Article 35

Parties in breach of Section 1 in Article 22 (including cases where Article 27 applies), shall be subject to the sentence of less than six (6) months or a fine of less than half a million Yen.

Article 36

In the event that the executives or employees of the Registered Inspection Organisation for Non-road Engines or the Registered Inspection Organisation for NSMVs are in breach of Section 5 in Article 23, specifying the order to stop the official work of inspecting the Non-road Engines or the official work of inspecting the NSMVs (including cases where Article 27 applies), the executives or employees of the Registered Inspection Organisation for Non-road Engines or the Registered Inspection Organisation for NSMVs shall be subject to the sentence of less than six (6) months or the fine of less than half a million Yen.

Article 37

The party that has affixed a label in breach of Section 4 in Article 12 shall be subject to a

fine of less than half a million Yen.

Article 38

The party to whom one of following items applies shall be subject to the fine of less than three hundred thousand Yen.

- (1) The party has affixed a label in breach of Section 2 in Article 7
- (2) The party has made a false statement in the notification provided for in Section 1 of Article 10
- (3) The party has failed to create a record, has created a false record or has failed to maintain a record in breach of Section 2 in Article 11
- (4) The party has used the NSMVs in breach of Section 1 in Article 17
- (5) The party has been in breach of the order in Article 18
- (6) The party has failed to report in accordance with the provisions of Section 1 in Article 29 or has made a false report
- (7) The party has refused, disturbed or avoided the inspection in Section 2 of Article 29 or has failed to provide a statement or has made a false statement in response to questions

Article 39

In the event that one of the following items applies to the executives or employees of the Registered Inspection Organisation for Non-road Engines or the Registered Inspection Organisation for NSMVs, the executives or employees that have committed the violations shall be subject to a fine of less than three hundred thousand Yen.

- (1) The party has failed to record the facts specified in Section 7 in Article 21 or the party has made a false record or has failed to maintain accounts in breach of Section 7 in Article 21 (including cases where Article 27 applies)
- (2) The party has abolished all of the official work of inspecting the Non-road Engines or the official work of inspecting the NSMVs without the approval provided for by Section 8 in Article 21 (including cases where Article 27 applies)
- (3) The party has failed to report, has made a false report or has refused, disturbed or avoided the inspection provided for in Section 1 of Article 24 (including cases where Article 27 applies) or has failed to make a statement or has made a false statement in response to questions

Article 40

In the event that the representative of a corporate body, the agent or party of a corporate body, the employee or worker has committed the violations mentioned in Article 34, Article 37 or Article 38 with regard to the commercial business of a corporate body or party or the NSMVs owned or used by a corporate body or party, the corporate body or party shall be punished and the monetary penalty specified in each Article shall be imposed.

Article 41

The party that has not submitted notification or has made a false notification in breach of Section 3 of Article 10 shall be subject to a fine of less than two hundred thousand Yen.

Article 42

In the event that one of the following items applies to the executives or employees of the Registered Inspection Organisation for Non-road Engines or the Registered Inspection Organisation for NSMVs, the executives or employees that have committed the violations shall be subject to a fine of less than two hundred thousand Yen.

(1) The party has failed to prepare the financial statements and to record the facts required in the financial statements or has made a false record in breach of Section 5 in Article 21 (including cases where Article 27 applies).

(2) The party has refused the requests specified in each item in Section 6 in Article 21 without reasonable grounds.

Additional Provisions

(Date of Enforcement)

Article 1

This Law shall be enforced from the date provided for by the government ordinance within one year starting from the date of promulgation of this Law; the provisions, such as Section 2 in Article 28, Article 29 (limited to the party using the NSMVs) in Chapter 3 and item 4 or item 5 in Article 38 shall be enforced from the date provided for by the government ordinance within one (1) year and six (6) months starting from the date of promulgation of this Law.

(Required Measures)

Article 2

The provisions in Chapter 3 (including penal regulations regarding these provisions) shall not be applied to the NSMVs produced before the date mentioned in the conditional provisions of the previous Article and which have written documents or other necessary items to prove that the NSMVs had been produced before the date.

(Investigation)

Article 3

In the event that five years has passed after the enforcement of this Law, the government shall take into consideration the circumstances of enforcement for this Law and, if necessary, shall investigate the provisions in this Law and take the necessary steps on the basis of the result for the investigation.

(Partial amendment of the Registration and License Tax Law)

Article 4

The Registration and License Tax Law (Law No. 35, 1967) shall be partially amended as follows.

The following table shall be added after Appendix 1, Section 50.

Section 50.2 The registration of the Registered Inspection Organisation for Non-road Engines or the Registered Inspection Organisation for NSMVs		
(1) The registration (except the registration of renewal) provided for by Section 1 in Article 19 (the registration of Registered Inspection Organisation for Non-road Engines) in accordance with the NSMV Exhaust Regulation Act (Law No. XXX, 2005)	Number of registrations	Ninety thousand Yen per registration
(2) The registration (except the registration of renewal) provided for by Section 1 in Article 26 (the registration of Registered Inspection Organisation for NSMVs) in accordance with the NSMV Exhaust Regulation Act	Number of registrations	Ninety thousand Yen per registration

(Partial amendment of the Clean Air Law)

Article 5

The Clean Air Law (Law No. 97, 1968) shall be partially amended as follows.

The following sections shall be added to Article 19.

3. The Minister of the Environment is permitted to specify the acceptable amount of the NSMV Exhaust (the NSMV Exhaust specified in Section 3 of the same Article. Herein referred to as the same in the following section) produced by NSMVs (the NSMVs provided for by Section 1 in Article 2 of the Non-road Special Motor Vehicle Exhaust Regulations Act (Law No. 2, 2005)) which will be emitted into the air when the NSMVs are used in certain circumstances.

4. In order to control the air pollution caused by the NSMV Exhaust, in the event that the competent minister has specified the technical standard in Article 5 of the Non-road Special Motor Vehicle Exhaust Regulations Act, the competent minister under the same article must consider that the permissible limit in the previous section will be ensured.

Grounds

In order to reduce the emission of the NSMVs Exhaust, it shall be necessary to establish the system of approval concerning the type of Non-road Engines, the notification system regarding the type of NSMVs as well as to control the use of NSMVs that have not complied with the technical standard.

Herein referred to as the grounds for submission of this bill.