

Law No. 65

Law on Prohibition of Chemical Weapons and Regulation etc., of Special Chemicals

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Chapter 1. General Provision

Article 1. Purpose

Objects of this Law are, in order to secure the firm implement of Convention on the Prohibition of the Development, Production Stocking and Use of Chemical Weapons and on their Destruction (hereinafter referred to as "Convention"), to prohibit manufacture, possession, assignment and taking over of chemical weapons as well as to take steps of regulation etc., of manufacture, use, etc., of specific chemicals.

Article 2. Definitions etc.

1. In this Law, "toxic chemicals" shall mean chemicals having character that a person is put to death or the function of the body is temporally or continuously damaged remarkably through the inhalation or contact by human (hereinafter referred to as "toxicity") which shall be provided for by Cabinet Order in accordance with the provisions of the Convention.

2. In this Law, "chemical weapons" shall mean weapons such as bullets, rocket bullets or other provided for by Cabinet Order which are filled with toxic chemicals and chemicals equivalent thereto (including those which are

filled with other chemicals and cause chemical change internally and cause to form toxic chemicals or chemicals having toxicity equivalent thereto).

3. In this Law, "specific chemicals" shall mean chemicals being toxic chemicals and raw materials (hereinafter referred to as "raw materials") out of which it is highly likely to be supplied for manufacture of chemical weapons as provide for by Cabinet Order.

4. In this Law, "designated chemicals" shall mean toxic chemicals and raw materials other than specific chemicals out of which it is highly likely to be supplied for manufacture of chemical weapons as provided for by Cabinet Order.

5. In this Law, "first class designated chemicals" shall mean designated chemicals out of which it is less likely to be supplied for manufacture of chemical weapons as provided for by Cabinet Order, and "second class designated chemicals" shall mean the designated chemicals other than first class designated chemicals.

6. Cabinet Order in the preceding three paragraphs shall be provided for in accordance with the provisions of the Convention.

7. In this Law, manufacture of specific chemicals or designated chemicals shall include temporal formation of the specific chemicals or designated chemicals during manufacturing process of other chemicals, and use of the specific chemicals or designated chemicals shall include change of said temporally formed specific chemicals or designated chemicals into other chemicals.

8. In this Law, "international organization" shall mean any organization to be established under the Convention for the prohibition of chemical weapons.

Chapter 2. Prohibition of Manufacture etc., of Chemical Weapons

Article 3. Prohibited Act

1. Any person shall not manufacture the chemical weapons.
2. Any person shall not possess, assign or take over the chemical weapons.

3. Any person shall not manufacture, possess, assign or take over the toxic chemicals or chemicals having toxicity equivalent thereto or raw materials of these chemicals with the aim to supply for the manufacture of the chemical weapons.

4. Any person shall not manufacture, possess, assign or take over parts used exclusively for the chemical weapons or machinery and equipment used exclusively in case of the use of the chemical weapons, which are provided for by the Cabinet Order.

Chapter 3. Regulation of Manufacture etc., of Specific Chemicals

Article 4. Permit for Manufacture

1. A person who is to manufacture (including extrusion. The same shall apply in this Chapter Paragraph 1 of Article 31, Paragraph 1 of Article 34, Subparagraph 1 of Article 43 and Subparagraph 2 of Article 44) the specific chemicals shall obtain a permit from the Ministry of International Trade and Industry per each establishment of business.

2. A person who is to obtain the permit in the preceding paragraph shall file an application stating the following matters to the Minister of International Trade and Industry as provided for by Order of the Ministry of International Trade and Industry :

a. full name or name and address, and name of representative in case of corporate body,

b. location of establishment where manufacture is conducted,

c. specific chemicals to be manufactured,

d. method of manufacture, and tools, machinery or equipment used therefor, and

e. other matters provided for by Order of the Ministry of International Trade and Industry.

Article 5. Disqualification

A person falling under any of the followings may not obtain the permit in the Paragraph 1 of the preceding Article :

- a. a person who has violated this Law or provisions of the order under this Law, and was subjected to fine or more, and for whom three (3) years have not elapsed after the execution thereof was completed, or from the day of cease of the execution,
- b. a person to whom the permit is canceled pursuant to the provision of Paragraph 1 of Article 9, and for whom three (3) years have not elapsed from the day of the cancellation,
- c. a person who has violated the provisions of other laws and was subjected to fine or more, and for whom three (3) years have not elapsed after the execution thereof was completed or from the day of cease of the execution, and taking into circumstances of an offense is not appropriate for manufacture of the specific chemicals,
- d. a person notified to be under disability, and
- e. a corporate body who employs a person falling under any of the preceding subparagraphs among its officers.

Article 6. Standards for Permit to Manufacture

The Minister of International Trade and Industry shall not give a permit unless the application for permit pursuant to Paragraph 1 of Article 4 meets any and all of the followings :

- a. capacity of a person concerned does not exceed the limitation provided for by the Order of the Ministry of International Trade and Industry under the provisions of the Convention,
- b. when the permit is given, capacity as a whole in Japan to manufacture the specific chemicals does not exceed the limitation provided for by the Convention, or,
- c. otherwise, there is no threat that the proper implementation of the Convention is not hindered.

Article 7. Permit of Change etc.

1. If and when a person who was given the permit under Paragraph 1 of Article 4 (hereinafter referred to as "permitted manufacturer") is to change the matters described in Subparagraphs 3 or 4 of Paragraph 2 of said Article, it shall obtain a permit from the Minister of International Trade and Industry, unless such change of matters described in said Subparagraphs is minor one which is provided for by Order of the Ministry of International Trade and Industry.

2. If and when a permitted manufacturer is to change the matters described in Subparagraph 2 of Paragraph 2 of Article 4, it shall notify to that effect to the Minister of International Trade and Industry as provided for by Order of the Ministry of International Trade and Industry.

3. A permitted manufacturer shall notify in case of the followings to the Minister of International Trade and Industry without delay to that effect:

a. when the matters described in Subparagraph 1 of Paragraph 2 of Article 4 is changed, or

b. when minor change as provided for in the proviso of Paragraph 1 hereof is effected.

4. The provision in the preceding Article shall apply mutatis mutandis to the permit of Paragraph 1.

Article 8. Declaration of Discontinuance of Manufacture

1. When a permitted manufacturer discontinued the manufacture of the specific chemicals, it shall notify to the Minister of International Trade and Industry to that effect without delay.

2. In case declaration pursuant to the preceding Paragraph is made, the permit under Paragraph 1 of Article 4 shall lose its validity.

Article 9. Cancellation of Permit to Manufacture etc.

1. In case a permitted manufacturer falls under any of the followings, the Minister of International Trade and Industry may cancel its permit or order to suspend the manufacture upon specifying a period :

- a. when it becomes fallen under any of Subparagraph 1 or Subparagraphs 3 through 5 of Article 5,
 - b. when it obtained its permit under Paragraph 1 of Article 4 or Paragraph 1 of Article 7 with unfair means,
 - c. when it changed the matters without a permit under Paragraph 1 of Article 7 which shall be required to obtain the permit under the said Paragraph,
 - d. when it manufactured the specific chemicals in violation of the provision of Paragraph 1 of Article 14, or
 - e. when it violated the terms and conditions annexed to the permit under Paragraph 1 of Article 4 under the provision of Paragraph 1 of Article 19.
2. In case a permitted manufacturer does not manufacture the specific chemicals for a period of two (2) years consecutively, the Minister of International Trade and Industry may cancel the permit.

Article 10. Permit of Use

1. A person who is to use the specific chemicals shall obtain a permit from the Minister of International Trade and Industry.
2. A person who is to obtain the permit in the preceding Paragraph shall file an application stating the followings to the Minister of International Trade and Industry as provided for by Order of the Ministry of International Trade and Industry :
 - a. full name or name and address, and name of a representative in case of a corporate entity,
 - b. the specific chemicals to be used and the quantities thereof,
 - c. purpose of the use and its method,
 - d. time and place of the use, and
 - e. other matters provided for by Order of the Ministry of International

Trade and Industry.

3. In case the Minister of International Trade and Industry has given a permit in the preceding Paragraph, he/she shall issue a certificate of permit of use specifying the specific chemicals and the quantities pertaining to the permit.

4. Procedural matters relating to a certificate of permit of use such as re-issue and return or other shall be provided for by Order of the Ministry of International Trade and Industry.

Article 11. Standards for Permit of Use

1. Unless the Minister of International Trade and Industry admits that an application for a permit under Paragraph 1 of the preceding Article meets any and all of the following Subparagraphs, he/she shall not give the permit under the said Paragraph :

a. the specific chemicals are surely used for the purpose admitted by the Convention,

b. as the result of the quantities of the specific chemicals manufactured and imported, total quantities as a whole in Japan of the specific chemicals pertaining to manufacture and import in the year concerned, and total quantities of the specific chemicals existing in Japan does not exceed the limitation provided for by the Convention, or

c. otherwise, there is no threat that the proper implementation of the Convention is not hindered.

2. The provision of Article 5 shall apply mutatis mutandis to a permit under Paragraph 1 of the preceding Article. In this case, "Paragraph 1 of Article 9" in Subparagraph 2 of Article 5 shall read "Article 12".

Article 12. Cancellation of Permit of Use

If and when a person who obtained a permit under Paragraph 1 of Article 10 (hereinafter referred to as "permitted user") falls under any of the following Subparagraphs and has not finished the use of the specific chemicals, the Minister of International Trade and Industry may cancel the permit :

- a. if and when it falls under any of Subparagraphs 1 or Subparagraphs 3 through 5 of Article 5 applied mutatis mutandis in Paragraph 2 of the preceding Article,
- b. if and when it obtained a permit under Paragraph 1 of Article 10 with unfair means, or
- c. if and when it violated the terms and conditions annexed to a permit under Paragraph 1 of Article 10 under the provision of Paragraph 1 of Article 19.

Article 13. Approval of Import

A person who is to import the specific chemicals shall be obligated to be approved by the provision of Article 52 of Foreign Exchange and Foreign Trade Control Law (Law No. 228 of 1949).

Article 14. Restriction of Manufacture and Import

1. Unless a permitted manufacturer manufactures the specific chemicals pertaining to the permit of use (which shall be limited to the extent of quantities pertaining to the permit. The same shall apply hereinafter.) in order to deliver to a permitted user (including the case when it manufactures the specific chemicals pertaining to a permit of use when it is a permitted user by itself), it shall not manufacture the specific chemicals except for the case provided for by Order of the Ministry of International Trade and Industry.

2. Approval of import under the preceding Article shall not be given unless the specific chemicals pertaining to the permit of import concerned are imported in order to deliver to a permitted user or by itself.

3. A person who is to manufacture or import the specific chemicals in order to deliver to a permitted user, it shall confirm the specific chemicals pertaining to the permit of use by a certificate of permit of use.

Article 15. Limitation on Assignment and Taking Over

1. No person shall assign or take over the specific chemicals except for any of the following Subparagraphs :

a. when a permitted user assigns the specific chemicals pertaining to the permit of use to a permitted user,

b. when a person to whom importation under Article 13 was approved (hereinafter referred to as "approved importer") assigns the specific chemicals pertaining to a permit of use to a permitted user, or

c. when a permitted user takes over the specific chemicals pertaining to a permit of use from a permitted manufacturer or an approved importer.

2. When a permitted manufacturer or approved importer assigns the specific chemicals which were manufactured or imported to a permitted user, it shall notify to that effect without delay to the Minister of International Trade and Industry.

Article 16. Limitation on Possession

1. No person shall possess the specific chemicals except under laws and regulations or any of the following Subparagraphs :

a. in case a permitted manufacturer possesses the manufactured specific chemicals during the period until the assignment thereof to a permitted user,

b. in case an approved importer possesses the imported specific chemicals during the period until the assignment thereof to a permitted user,

c. in case a permitted user possesses the specific chemicals during the period until the use thereof,

d. in case a person who shall destroy the specific chemicals in accordance with the provision of Paragraph 1 of Article 18 possesses them during the period until the destruction thereof,

e. in case a person who is entrusted to destroy or transport the specific chemicals from any of the persons in the preceding Subparagraphs possesses them under the entrustment for the transportation or destruction thereof, or

f. in case an employee who is employed by any person described in the preceding Subparagraphs possesses the specific chemicals on duty.

2. Any person in the preceding Subparagraphs shall take custody of the

specific chemicals possessed by it in a strongly built facility which is kept a key on.

Article 17. Transportation

1. When a permitted manufacturer, an approved importer, a permitted user or a person who shall destroy the specific chemicals pursuant to the provision of the next Article is to transport them (including the transportation entrusted to others, but except for the transportation by ship or aircraft), it shall notify to a Prefectural Public Safety Commission pursuant to Regulation of National Public Safety Commission and obtain a document proving the notification (hereinafter referred to as "transportation certificate").

2. In case a Prefectural Public Safety Commission shall, in case of the notification under the provision of the preceding Paragraph, deems it necessary to prevent the steal or loss of the specific chemicals during the transportation pertaining to the notification, it may give necessary indications on the matters provided for by Regulation of National Public Safety Commission such as date and hour of the transportation, route or other.

3. In case a Prefectural Public Safety Commission gave the indications in the preceding Paragraph, it shall describe the contents of the indications on a transportation certificate.

4. Change of the matters described on the transportation certificate or rosins thereof shall be provided for by the Regulation of National Public Safety Commission.

5. A person who transports the specific chemicals shall bear the transportation certificate and transport them in accordance with the contents described on the transportation certificate.

Article 18. Destruction

1. In case of any of the following Subparagraphs if a person falling thereunder possesses the specific chemicals, the person shall destroy the specific chemicals (in case of falling under Subparagraph 3, limited to a portion exceeding the quantities provided for by the said Subparagraph) without delay :

- a. when a permitted manufacturer notifies in accordance with the provision of Paragraph 1 of Article 8,
- b. when a permitted manufacturer is canceled its permit in accordance with the provision of Article 9,
- c. when a permitted manufacturer manufactures the specific chemicals exceeding the quantities pertaining to the permit under Paragraph 1 of Article 10,
- d. when a permitted user is canceled its permit in accordance with the provision of Article 12,
- e. when a permitted user does not need to use the permitted specific chemicals.
- f. when a permitted manufacturer or approved importer manufactured or imported the specific chemicals in order to assign to a permitted user, and if the permitted user was canceled its permit in accordance with the provision of Article 12 before it takes over the specific chemicals.

2. A person who shall destroy the specific chemicals in accordance with the provision of the preceding Paragraph (hereinafter referred to as "person obligated to destroy") shall notify to the Minister of International Trade and Industry the quantities and method of destruction of the specific chemicals to be destroyed.

3. In case the Minister of International Trade and Industry deems the method of destruction under the preceding Paragraph as inappropriate, he/she may order the change thereof (including the destruction entrusted to others).

Article 19. Conditions of Permit

1. Conditions may be attached and changed to a permit under Paragraph 1 of Article 4 or Paragraph 1 of Article 10.

2. The conditions in the preceding Paragraph shall be limited to those which are minimum necessary for securing the appropriate implementation of the Convention or securing the firm implementation of the matters pertaining to

a permit, and shall not impose undue obligations on a permitted person.

Article 20. Succession

1. In the case of inheritance or merger of a permitted manufacturer or permitted user, a heir (in case of more than one heirs, where a heir to succeed is appointed upon consent of all of them) or a corporate entity existing after the merger or a corporate entity established by merger succeeds the status as a permitted manufacturer or permitted user.

2. A person who has succeeded the status as a permitted manufacturer or permitted user shall notify without delay to that effect to the Minister of International Trade and Industry with a document proving such fact.

Article 21. Declaration of quantities etc., to be Manufactured or Used

1. A permitted manufacturer shall notify every year to the Minister of International Trade and Industry the matters provided for by Order of the Ministry of International Trade and Industry on the quantities manufactured in the previous year, maximum quantities held in the previous year or other in connection with the manufactured specific chemicals.

2. A permitted user shall notify, in case of the use of the permitted specific chemicals, to the Minister of International Trade and Industry the matters provided for by Order of the Ministry of International Trade and Industry on the used quantities or other as provided for by the said Order.

Article 22. Record

1. A permitted manufacturer shall prepare a diary and record the following matters on the manufactured specific chemicals :

a. quantities of manufacture,

b. name of assignee and quantities in case of assignment to other,

c. quantities and purpose of the use in case of its own use,

d. quantities held, and

e. other matters provided for by Order of the Ministry of International

Trade and Industry.

2. The diary in the preceding Paragraph shall be kept as provided for by Order of the Ministry of International Trade and Industry.

Article 23. Declaration of Accident

A person who was consigned the transportation or destruction from a permitted manufacturer, approved importer, permitted user or person obligated to destroy, in case of steal or loss of the possessed specific chemicals, shall notify to that effect without delay to a policeman or maritime safety policeman.

Chapter 4. Declaration of Manufacture etc., of Designated Chemicals

Article 24. Estimated Quantities of Manufacture etc., of First Class Designated Chemicals

1. A person who manufactures or extrudes or refines (hereinafter referred to as "manufacture etc.") the first class designated chemicals, in case where it is estimated that the quantities per establishment for business and per material of the first class designated chemicals to be manufactured etc., in the next year exceeds the one provided for by Order of the Ministry of International Trade and Industry, shall notify as provided for by the said Order to the Minister of International Trade and Industry the quantities of said first class chemicals to be manufactured etc., in the next year and other matters provided for by the said Order.

2. A person who manufactures etc., the first class designated chemicals, in case the quantities per establishment for business and per material of the first class designated chemicals to be manufactured etc., in the year concerned exceeds the one in the preceding Paragraph provided for by Order of the Ministry of International Trade and Industry, shall notify in advance as provided for by the said Order to the Minister of International Trade and Industry to that effect and the quantities of said first class chemicals to be manufactured etc., in the year concerned and other matters provided for by the said Order unless the quantities of said first class designated chemicals to be manufactured etc., in the year concerned at the establishment for business concerned was notified under the provision of said Paragraph.

3. A person for whom the quantities per establishment for business and per chemicals of the first class designated chemicals manufactured etc., in any year of the preceding three (3) years exceeded the one provided for by Order of the Ministry of International Trade and Industry in the preceding Paragraph, and a person who notified the quantities of the first class designated chemicals manufactured etc., at the establishment for business in the year concerned in accordance with the provisions of the preceding two (2) Paragraphs shall notify as provided for by Order of the Ministry of International Trade and Industry to the Minister of International Trade and Industry the quantities of the said first class designated chemicals to be manufactured etc., at the establishment for business in the next year and matters provided for in the preceding Paragraph by the said Order unless the quantities is notified under the provision of said Paragraph.

4. A person who notified under the provisions of the preceding three (3) paragraphs, in the case provided for by Order of the Ministry of International Trade and Industry where the quantities of the said first class designated chemicals to be manufactured etc., in the year exceeds remarkably the notified one, shall notify to that effect to the Minister of International Trade and Industry, except when the person who notified under the preceding Paragraph shall notify the quantities of the said first class designated chemicals to be manufactured etc., in accordance with the provisions of the preceding two (2) Paragraphs.

Article 25. Actual Quantities of Manufacture etc., of First Class Designated Chemicals

A person who notified under the provisions of Paragraphs 1 through 3 of the preceding Article shall notify as provided for by Order of the Ministry of International Trade and Industry the quantities of the notified first class designated chemicals manufactured etc., at the establishment for business in the year and the matters provided for by said Order.

Article 26. Application mutatis mutandis to Use of First Class Designated Chemicals etc.

The provisions of the preceding two (2) Articles shall apply mutatis mutandis to a person who uses the first class designated chemicals (including chemicals including the first class designated chemicals which are provided for by Order of the Ministry of International Trade and Industry) and the

quantities of the first class designated chemicals (quantities of the first class designated chemicals in case of chemicals including the first class designated chemicals included therein).

Article 27. Application Mutatis Mudandis to Second Class Designated Chemicals

The provisions of Articles 24 and 25 shall apply mutatis mutandis to a person who manufactures the second class designated chemicals, and the quantities of the second class designated chemicals to be manufactured. In this case, "any year of the preceding three (3) years" in Paragraph 3 of Article 24 shall read as "the preceding year".

Article 28. Actual Quantities of Export and Import of Designated Chemicals etc.

A person who exported or imported the designated chemicals (including chemicals including the designated chemicals, which are provided for by Order of the Ministry of International Trade and Industry) shall notify as provided for by said Order to the Minister of International Trade and Industry every year the quantities of exported or imported designated chemicals (in case of chemicals including the designated chemicals, the quantities of the designated chemicals included therein).

Article 29. Classification of Actual Quantities of Manufacture of Organic Chemicals

1. A person who manufactured (except for the case provided for by Cabinet Order. The same shall apply hereinafter) organic chemicals other than the specific and designated chemicals which are provided for by Cabinet Order (hereinafter simply referred to as "organic chemicals") shall notify to the Minister of International Trade and Industry as provided for by Order of Ministry of International Trade and Industry, in case the quantities of the organic chemicals manufactured in the preceding year per establishment for business exceeded the one provided for by said Order, to that effect as well as the classification in which the quantities of the organic chemicals manufactured in the preceding year at the said establishment for business.

2. A person who manufactures the organic chemicals including phosphorus, sulfur or fluorine which are provided for by Cabinet Order (hereinafter referred to as "specific organic chemicals"), in case the quantities of the

manufacture of the specific organic chemicals in the preceding year per establishment for business exceeded the one provided for by Order of Ministry of International Trade and Industry, shall notify to the Minister of International Trade and Industry as provided for by said Order to that effect as well as the classification in which the quantities of the organic chemicals manufactured in the preceding year at the said establishment for business.

Chapter 5. Inspection etc., by International Organization

Article 30. Inspection etc., by a Person designated by International Organization

1. A person designated by the international organization may, under attendance by a staff designated by the Minister of International Trade and Industry (in case provided for by Cabinet Order, a staff designated by the Minister of International Trade and Industry and a staff designated by the Minister of Foreign Affairs), within the scope provided for by the Convention, access to the place where the toxic chemicals or chemicals having toxicity equivalent thereto, or chemicals being raw materials therefor are treated and which is designated by the International Organization, and inspect books, documents or other materials, or take photographs thereof, or inquire persons concerned, or take up a sample free of charge to a minimum extent necessary for a test.

2. A person designated by a foreign government as a contracting state of the Convention (hereinafter referred to as "contracting government") may attend the inspection, or photographs, inquiry or taking up under the provision of the preceding Paragraph (hereinafter referred to as "inspection etc.") with the extent provided for by the Convention.

3. The staff who attends the inspection etc., in accordance with the provision of Paragraph 1 shall endeavor to secure the inspection etc., to be performed appropriately and smoothly within the scope of the Convention.

4. The person who attends the inspection etc., in accordance with the provision of Paragraph 1 shall bear a certificate proving his/her identity and show it to persons concerned.

Article 31. Sealing and Attachment of Monitoring Apparatus

1. A person designated by the international organization may, under the attendance of a staff designated by the Minister of International Trade and Industry, within the scope provided for by the Convention, seal in order to monitor the manufacture and movement of the specific chemicals or attach an apparatus in a factory or other premises for business of a permitted manufacturer.
2. Provisions of Paragraphs 3 and 4 of the preceding Article shall apply mutatis mutandis to a staff who attends the seal or attachment of an apparatus under the provision of the preceding Paragraph.
3. No person shall remove or destroy the sealed or attached apparatus under the provision of the preceding Paragraph 1 without justifiable reasons.
4. A permitted manufacturer shall notify to the Minister of International Trade and Industry the occurrence of the loss, destruction or other accidents of the sealed or attached apparatus under the provision of Paragraph 1 without delay.

Chapter 6. Miscellaneous Provisions

Article 32. Report

1. The Minister of International Trade and Industry or Prefectural Public Safety Commission may, within the extent necessary for implementation of this Law (in case of Prefectural Public Safety Commission, provision of Paragraph 2 of Article 17), cause a permitted manufacturer, approved importer, permitted user or person obligated to destroy to report its business.
2. The Minister of International Trade and Industry may, upon request of the international organization or a contracting government as provided for by the Convention and within the extent necessary to explain the international organization or contracting government, cause a person who treats the toxic chemicals or chemicals having toxicity equivalent thereto or other chemicals being raw materials therefor, or other persons to report matters relating to the request.
3. The Minister of International Trade and Industry may, in case of inspection etc., under the provision of Paragraph 1 of Article 30, within the

extent necessary to explain the international organization, cause a person concerned to report in connection with the activities covered by inspection etc.

Article 33. Inspection by Attendance

1. The Minister of International Trade and Industry may, within the extent necessary for the implementation of this Law, cause its staff to access to a business office, factory or other place of business of a permitted manufacturer, approved importer, permitted user or person obligated to destroy, and to inspect books, documents or other materials, to inquire a person concerned or to take up a sample free of charge to the minimum extent of quantities.

2. Prefectural Public Safety Commission may, within the extent necessary for the implementation of the provision of Paragraph 2 of Article 17, cause a police staff to access to a business office, factory or other place of business of a permitted manufacturer, approved importer, permitted user or person obligated to destroy, and to inspect books, documents or other materials, or to inquire a person concerned.

3. When a staff accesses under the provisions of the preceding two Paragraphs, he/she shall bear a certificate proving his/her identity and show it to a person concerned.

4. The authority under the provisions of Paragraphs 1 and 2 shall not be interpreted as admitted for criminal investigation.

Article 34. Special Provisions on Special Facility

1. The manufacture by the State of the specific chemicals within the limit of quantities provided for by Cabinet order in a special facility (a national facility which is designated as only one facility for manufacture of the specific chemicals by Cabinet Order for a study regarding method to protect human bodies from the toxicity of the specific chemicals (hereinafter referred to as "special study"). The same shall apply hereinafter.) shall be deemed as conducted upon approval under Paragraph 1 of Article 4 read by the provision of Article 36, and the use for the special study conducted by the State within the extent of quantities provided for by said Cabinet Order shall be deemed as approved under Paragraph 1 of Article 10 read by the provision of Article 36.

2. The provisions of Paragraph 1 of Article 18 and Paragraphs 2 and 3 of Article 32 shall not apply to the specific chemicals the use of which are deemed as approved and the matters relating to the said specific chemicals in accordance with the provision of the preceding Paragraph.

3. When a person designated by the international organization accesses to the specific facility and inspects etc., and when a person designated by the international organization seals in the specific facility or attaches a monitoring apparatus, the "Minister of International Trade and Industry" in Paragraph 1 of Article 30 and Paragraph 1 of Article 31 shall be a "chief of a administrative organization pertaining to the specific facility".

Article 35. Relationship between the Minister of International Trade and Industry and National Public Safety Commission etc.

1. When the Minister of International Trade and Industry disposes under the provisions of Paragraph 1 of Article 4, Article 9, Paragraph 1 of Article 10 or Article 12, or when notification under the provisions of Paragraph 2 or 3 (except for Subparagraph 1), Paragraph 1 of Article 8, Paragraph 2 of Article 20 or Paragraph 2 of Article 21 was made, he/she shall notify the National Public Safety Commission to that effect without delay. The same shall apply to the case of the notification under the provision of Paragraph 2 of Article 8 where the destruction is entrusted to others or the destruction is ordered to entrust to others.

2. A policeman or maritime safety policeman shall, in case of notification under the provision of Article 23, notify the Minister of International Trade and Industry to that effect without delay.

3. The Minister of International Trade and Industry and the National Public Safety Commission shall cooperate each other to prevent the steal of the specific chemicals or the missing thereof.

Article 36. Application to the State

The provision of this Law shall apply to the State except for the provision in the next chapter. In this case, "permit" shall read as "approval".

Article 37. Transitional Measures

In case orders are established, modified or repealed under the provisions of this Law, the required transitional measures (including those regarding punishment) may be determined within the reasonably necessary extent, accompanying with the establishment, modification or repeal.

Chapter 7. Punishment

Article 38.

1. A person who emitted with the use of a chemical weapon the toxic chemicals or chemicals having the toxicity equivalent thereto filled to said chemical weapon or generated inside said chemical weapon shall be subjected to imprisonment with forced labor for life or two (2) years or more, or fine of ten million (10,000,000) yen or less.

2. The attempt in the preceding Paragraph shall be punished.

Article 39.

1. A person who violated the provision of Paragraph 1 of Article 3 shall be subjected to imprisonment with forced labor for one (1) year or more or fine of seven million (7,000,000) yen or less.

2. A person who violated the provision of Paragraph 2 of Article 3 shall be subjected to imprisonment with forced labor for ten (10) years or less, or fine of five million (5,000,000) yen or less.

3. A person who violated the provision of Paragraph 3 or 4 of Article 3 shall be subjected to imprisonment with forced labor for seven (7) years or less or fine of three million (3,000,000) yen or less.

4. The attempt in the preceding three (3) Paragraphs shall be punished.

Article 40.

A person who made preparation with a purpose to commit a crime under Paragraph 1 of Article 38 shall be subjected to imprisonment with forced labor for five (5) years or less or fine of two million (2,000,000) yen or less.

Article 41.

A person who made preparation with a purpose to commit a crime under Paragraph 1 of Article 39 shall be subjected to imprisonment with forced labor for three (3) years or less or fine of one million (1,000,000) yen or less.

Article 42.

Crimes under Article 38 through the preceding Article shall be in accordance with Article 3 of Penal Code (Law No. 45 of 1907).

Article 43.

A person who falling under any of the following Subparagraphs shall be subjected to imprisonment with forced labor for three (3) years or less or fine of one million (1,000,000) yen or less, or both :

- a. a person who manufactured the specific chemicals without permit under Paragraph 1 of Article 4,
- b. a person who violated order under the provision of Paragraph 1 of Article 9, or
- c. a person who used the specific chemicals without permit under the provision of Paragraph 1 of Article 10.

Article 44.

A person falling under any of the following Subparagraphs shall be subjected to imprisonment for one (1) year or less or fine of five hundred thousand (500,000) yen or less, or both.

- a. a person who changed the matter in Subparagraph 3 or 4 of Paragraph 2 of Article 4 in violation of the provision of Paragraph 1 of Article 7,
- b. a person who manufactured the specific chemicals in violation of the provision of Paragraph 1 of Article 14,
- c. a person who violated the provisions of Paragraph 1 of Article 15, Paragraph 1 of Article 16 or Paragraph 1 of Article 18, or

d. a person who destroyed the specific chemicals in violation of the order under the provision of Paragraph 3 of Article 18.

Article 45.

A person falling under any of the following Subparagraphs shall be subjected to fine of three hundred thousand (300,000) yen or less :

a. a person who failed to notify or make a false notification under the provisions of Paragraph 2 of Article 7, Paragraph 1 of Article 17, Paragraph 2 of Article 18, Articles 21 and 23, Paragraphs 2 through 4 of Article 24 or Article 25 (including the case of application mutatis mutandis of these provisions in Articles 26 or 27), Articles 28 or 29, or Paragraph 4 of Article 31,

b. a person who violated the provisions of Paragraph 2 of Article 16, Paragraph 5 of Article 17 or Paragraph 3 of Article 31,

c. a person who failed to prepare a diary or to record the diary or make a false record in violation of the provision of Paragraph 1 of Article 22,

d. a person who fails to preserve a diary in violation of the provision of Paragraph 2 of Article 22,

e. a person who refused, prevented or challenged the inspection, photographs or taking up under the provision of Paragraph 1 of Article 30, or failed to answer to inquiries or made a false answer,

f. a person who refused, prevented or challenged the attendance under the provision of Paragraph 2 of Article 30,

g. a person who refused, prevented or challenged the seal or attachment of an apparatus under the provision of Paragraph 1 of Article 31,

h. a person who failed to report or make a false report under the provision of Article 32,

i. a person who refused, prevented or challenged the inspection or taking up under the provision of Paragraph 1 of Article 33 or failed to answer to inquiries or made a false answer, or

j. a person who refused, prevented or challenged the inspection under the provision of Paragraph 2 of Article 33 or fails to answer to inquires or made a false answer.

Article 46.

In case a representative of a corporate entity or an agent of a corporate entity or a person, employer or other employee committed a crime under Articles 38 or 41 in connection with the business of the corporate entity or the person, or violated Articles 39 or 41 or the preceding three (3) Articles, in addition to punishment of the person in violation, the corporate entity or the person shall be subjected to fine under each of the Articles respectively.

Article 47.

A person who failed to notify or made a false notification under the provisions of Paragraph 3 of Article 7, Paragraph 1 of Article 8, Paragraph 2 of Article 15, or Paragraph 2 of Article 20 shall be subjected to non-penal fine of two hundred thousand (200,000) yen or less.

Annex

Article 1. Date of Implementation

This Law shall be implemented from the date provided for by Cabinet Order within the extent not exceeding three (3) months counting from the date of promulgation. However, provision in the following Subparagraphs shall be implemented from the date provided for respectively in each of the Subparagraphs :

a. Provisions of Articles 28 and 29, and Subparagraph 1 of Article 45 (limited to the portion relating to Articles 28 and 29), as well as Paragraphs 1 and 3 and 4 (limited the portion relating to Paragraph 1) of Article 4, and Subparagraph 2 of Paragraph 2 of Article 5 of this Annex (limited to the portion relating to Paragraph 1 of Article 4 of this Annex (including the case applied mutatis mutandis in Paragraphs 3 or 4 of said Article)).

The date provided for by Cabinet Order prior to the date where the Convention becomes effective as for Japan (hereinafter referred to as "effective date").

b. Provisions of Paragraph 8 of Article 2, Chapter 4 (except for Article 28 and 29), Chapter 5, Paragraphs 2 and 3 of Article 32, Paragraph 2 (except for the portion relating to Paragraph 1 of Article 18) and Paragraph 3 of Article 34, Subparagraph 1 of Article 45 (limited to the portion relating to Paragraphs 2 through 4 of Article 24 and Article 25 (including the case where these provisions are applied mutatis mutandis in Articles 26 or 27) and Paragraph 4 of Article 31), Subparagraph 2 of Article 45 (limited to the portion relating to Paragraph 3 of Article 31), and Subparagraphs 5 through 7 and 8 (except for the portion Paragraph 1 of Article 32) as well as Article 3 and Paragraphs 2, 3 and 4 (limited to the portion relating to Paragraph 2) of Article 4 of this Annex

The effective date

Article 2. Transitional Measures

1. A person who possesses the specific chemicals upon implementation of this Law shall destroy the specific chemicals, if it failed to file an application for permit under Paragraph 1 of Article 10 until the period of thirty (30) days has elapsed after the date of implementation of this Law (hereinafter referred to as "grace period"), without delay after the lapse of the grace period, or if an application for permit was refused during the grace period,

without delay after the disposition thereof.

2. A person who possesses the specific chemicals upon implementation of this Law may possess said specific chemicals during the following period notwithstanding the provision of Paragraph 1 of Article 16. The same shall apply to the case where an employee of said person for its business and a person (including its employee) entrusted to transport or destroy by said person possesses the specific chemicals for transportation or destruction :

a. grace period,

b. period during which an application for permit filed during the grace period under Paragraph 1 of Article 10,

c. period until destruction under the provision of preceding Paragraph,

3. The provision of Paragraph 2 of Article 16 shall apply mutatis mutandis to a person possessing the specific chemicals under the provision of the preceding Paragraph.

4. As for the application of provisions of Articles 17 and 23, a person who possesses the specific chemicals upon implementation of this Law shall be deemed as a permitted user.

5. The provisions of Paragraphs 2 and 3 of Article 18 shall apply mutatis mutandis to the case where a person who possesses the specific chemicals upon implementation of this Law destroys them.

6. The provisions of each of the preceding Paragraphs shall not apply to the specific chemicals possessed in the specific facility by the State upon implementation of this Law.

Article 3.

1. Application of the provision "in advance " of Paragraph 2 of Article 24 to a person who manufactures etc., the first class designated chemicals , and for whom the quantities of the first class designated chemicals manufactured etc., per establishment for business and per chemicals in the year to which the effective date belongs exceeds the quantities provided for by Order of the Ministry of International Trade and Industry in Paragraph 1 of Article 24 prior to the effective date, or within thirty (30) days from the effective

date, shall be as "within thirty (30) days from the date when the Convention becomes into effective to Japan".

2. The provision of the preceding Paragraph shall apply to a person who uses the first class designated chemicals (including chemicals which include the first class designated chemicals and provided for by Order of the Ministry of International Trade and Industry in Article 26) and the quantities to be used of the first class designated chemicals (as for the chemicals including the first class designated chemicals, the quantities of the first class designated chemicals included therein. The same shall apply in Paragraph 3 of the next Article).

3. The provision of Paragraph 1 shall apply *mutatis mutandis* to a person who manufactures the second class designated chemicals and the quantities of the second class designated chemicals to be manufactured.

Article 4.

1. In any year of the preceding three (3) years to which the effective date belongs, a person who manufactured etc., the first class designated chemicals, the quantities of which per establishment for business and per chemicals exceeds the quantities provided for by Order of the Ministry of International Trade and Industry in Paragraph 1 of Article 24 shall notify as provided for by said Order to the Minister of International Trade and Industry the quantities of the first class designated chemicals manufactured etc., in the preceding three (3) years at the said establishment of business and other matters provided for by said Order.

2. A person who notified under the provision of the preceding Paragraph shall be deemed, as for application of the provision of Article 25, as a person who notified under the provisions of Paragraph 1 through 3 of Article 24 in connection with the quantities of the first class designated chemicals to be manufactured etc., at the establishment for business.

3. The provisions of the preceding two (2) Paragraphs shall apply *mutatis mutandis* to a person who used the first class designated chemicals as provided for by Order of the Ministry of International Trade and Industry in Article 26, and the quantities of the first class designated chemicals which were used.

4. The provisions of Paragraphs 1 and 2 shall apply *mutatis mutandis* to a

person who manufactured the second class designated chemicals and the quantities of the second class designated chemicals which were manufactured. In this case, "any year in the preceding three (3) years" in Paragraph 1 shall read as "the preceding year", and "the preceding three (3) years" as "the year".

Article 5

A person falling under any of the following Subparagraphs shall be subjected to imprisonment with forced labor for one (1) year or less, or fine of five hundred thousand (500,000) yen or less, or both :

a. a person who violated the provision of Paragraph 1 of Article 2 of this Annex, or

b. a person who destroyed the specific chemicals in violation of order under Paragraph 3 of Article 18 applied mutatis mutandis in Paragraph 5 of Article 2 of this Annex.

2. A person falling under any of the following Subparagraphs shall be subjected to fine of three hundred thousand (300,000) yen or less :

a. a person who violated the provision of Paragraph 2 of Article 16 applied mutatis mutandis in Paragraph 3 of Article 2 of this Annex, or

b. a person who failed to notify or made a false notification under the provisions of Paragraph 2 of Article 18 or Paragraph 1 of the preceding Article applied mutatis mutandis in Paragraph 5 of Article 2 of this Annex or filed a false declaration.

3. In case a representative of a corporate entity or an agent of a corporate entity or a person, an employer or other employee violates the preceding two (2) Paragraphs in connection with its business, in addition to the punishment to the person in violation, the corporate entity or the person shall be subjected to the fine in each of Paragraphs concerned.

Article 6.

In addition to those which are provided for in Article 2 through the preceding Article of this Annex, necessary transitional measures in connection with the implementation of this Law shall be provided for by

Cabinet Order.

Article 7. Modification in part of Law on Establishment of Ministry of International Trade and Industry

Law on Establishment of the Ministry of International Trade and Industry (Law No. 275 of 1952) shall be modified in part as follows :

The following Subparagraph shall be added next to Subparagraph 63 of Article 4 : 63bis Matters in connection with implementation of Law on Prohibition of Chemical Weapons and Regulation etc., of Special Chemicals (Law No. 65 of 1995).

Prime Minister : Tomiichi Murayama

Minister of Foreign Affairs : Yohei Kono

Minister of International Trade and Industry : Ryutaro Hashimoto