

Ordinance of the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, and the Ministry of Land, Infrastructure, Transport and Tourism No. 2
(Provisional Translation)

Pursuant to the provision of Article 6, paragraph (1) of the Act on Promotion of Use and Distribution of Legally-harvested Wood and Wood Products (Act No. 48 of 2016), the Ministerial Ordinance Specifying the Standards of Judgment for the Wood-related Business Entities to Ensure the Use of Legally-harvested Wood and Wood Products is established as follows.

May 23, 2017

Yuji Yamamoto, the Minister of Agriculture, Forestry and Fisheries

Hiroshige Seko, the Minister of Economy, Trade and Industry

Keiichi Ishii, the Minister of Land, Infrastructure, Transport and Tourism

Ordinance on Specifying the Standards of Judgment for the Wood-related Business Entities to Ensure the Use of Legally-harvested Wood and Wood Products

(Definitions)

Article 1 The terms used in this Ministerial Ordinance have the same meanings as the terms used in the Act on Promotion of Use and Distribution of Legally-harvested Wood and Wood Products (hereinafter referred to as the “Act”) and the Ordinance for Enforcement of the Act on Promotion of Use and Distribution of Legally-harvested Wood and Wood Products (Ordinance of the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, and the Ministry of Land, Infrastructure, Transport and Tourism No. 1 of 2017; hereinafter referred to as the “Ordinance for Enforcement”).

(Matters Concerning Confirmation)

Article 2 The Wood-related Business Entities shall confirm that trees used as raw materials for the Wood and Wood Products that they handle (for goods listed in item (i) of Article 2 of the Ordinance for Enforcement, limited to raw materials used for their component materials, and for goods listed in item (iv) of the same Article, limited to raw materials used for their base materials; hereinafter the same applies) are harvested in compliance with the laws and regulations of Japan and/or the countries of origin (hereinafter referred to as “Confirmation of Legality”), according to the categories of business listed in the following items and by the means set forth respectively in the said items.

(i) Type I Wood-related Businesses that are listed in Article 1, item (i) (a), (c) and (d) of the Ordinance for Enforcement: Requiring owners of trees or persons who export the Wood and Wood Products to

Japan to submit the following documents (including electromagnetic records; hereinafter the same applies), and confirming the contents of these documents, based on information set forth in Article 4, paragraph (2) of the Act (hereinafter referred to as “Information on Laws, Regulations and others”), performance of transactions with the owners of trees or the persons who export the Wood and Wood Products to Japan and other necessary information.

(a) Documents stating the following matters with regard to logs that are transferred or consigned or reconsigned for sale from owners of trees, or imported the Wood and Wood Products:

1. The types of the Wood and Wood Products and species of trees used as raw materials;
2. The names of the countries or regions where the trees used as raw materials were harvested;
3. Weight, area, volume or quantity; and
4. The names or entity names and addresses of the owners of the trees used as raw materials or the persons who exported the Wood and Wood Products to Japan.

(b) Documents proving that logs or trees used as raw materials for the Wood and Wood Products mentioned in (a) were harvested in compliance with the laws and regulations of Japan and/or the countries of origin.

(ii) Type I Wood-related Businesses that are listed in Article 1, item (i) (b) of the Ordinance for Enforcement: Confirming the contents of the following documents based on the Information on the Laws, Regulations and Others as well as other necessary information.

(a) Documents stating matters listed in 1. to 3. of the preceding item with regard to logs taken from trees owned by the Wood-related Business Entities themselves.

(b) Documents proving that the trees mentioned in (a) were harvested in compliance with the laws and regulations of Japan.

(iii) Type II Wood-related Businesses: Confirming the contents of the documents submitted pursuant to the provision of Article 4 and other similar documents.

(Matters Concerning Additional Necessary Measures to be Taken)

Article 3 In case a person engaged in a Type I Wood-related Business cannot confirm legality of the Wood and Wood Products that he/she handles in the said Type-I Wood-related Business by the confirmation processes prescribed in the provisions of item (i) or (ii) of the preceding Article, he/she shall take either of the measures set forth in the following items:

- (i) Collecting information, other than the documents listed in items (i) (b) or (ii) (b) of the preceding Article, pertaining to that the trees used as raw materials for the Wood and Wood Products for which legality has not been confirmed were harvested in compliance with the laws and regulations of Japan and/or the countries of origin, and confirming the contents of such information based on the Information on Laws, Regulations and Others as well as other necessary information; or
- (ii) Not handling the Wood and Wood Products for which legality cannot be confirmed.

(Matters Concerning Necessary Measures When Transferring the Wood and Wood Products)

Article 4 When transferring the Wood and Wood Products (excluding those transferred to consumers), Wood-related Business Entities shall provide persons to whom such Wood and Wood Products are transferred or consigned for sale with documents that state or record the following matters:

- (i) For a person engaged in a Type I Wood-related Business, the fact that he/she have conducted the confirmation pursuant to the provision of items (i) or (ii) of Article 2 or item (i) of the preceding Article, and, in the case where he/she could confirm legality, the fact thereof;
- (ii) For a person engaged in a Type II Wood-related Business, the fact that he/she have conducted the confirmation pursuant to the provision of item (iii) of Article 2, and, in the case where he/she could confirm legality, the fact thereof; and
- (iii) In a case where the Wood-related Business Entity is a person who has been registered under Article 8 of the Act or has obtained any other registration, certification or accreditation by systems contributing to the promotion of use and distribution of Legally-harvested Wood and Wood Products, the fact thereof.

(Matters Concerning Maintenance of Records)

Article 5 With regard to records of the confirmation pursuant to the provisions of the items of Article 2 or item (i) of Article 3, the Wood-related Business Entities shall, according to their categories of business listed in the following items, maintain documents and records set forth respectively in the said items for five years.

- (i) Type I Wood-related Businesses that are listed in Article 1, item (i) (a), (c) and (d) of the Ordinance for Enforcement: Documents mentioned in Article 2, item (i) (b) and records concerning the confirmation pursuant to the provisions of the said item and Article 3, item (i).
- (ii) Type I Wood-related Businesses that are listed in Article 1, item (i) (b) of the Ordinance for Enforcement: Documents listed in Article 2, item (ii) (b) and records concerning the confirmation pursuant to the provisions of the said item and Article 3, item (i).
- (iii) Type II Wood-related Businesses: Records concerning confirmation pursuant to Article 2, item (iii) and documents provided pursuant to the provisions of Article 4.

(Establishment of Operational Management)

Article 6 To promote the use and distribution of Legally-harvested Wood and Wood Products, the Wood-related Business Entities shall manage the Legally-harvested Wood and Wood Products separately from other Wood and Wood Products, assign supervisors to ensure the use of Legally-harvested Wood and Wood Products and establish any other necessary operational management.

Supplementary Provision

This Ministerial Ordinance comes into effect as of the day of promulgation.