

Fundamental Law for Establishing a Sound Material-Cycle Society

(Tentative translation)

(Law No.110 of 2000)

Environment Agency

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Fundamental Law for Establishing a Sound Material-Cycle Society

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(Law No.110 of 2000, effective on June 2 2000)

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Chapter 1. General Provisions

(Purpose)

Article 1. The purpose of this Law is to facilitate the policies for the transformation into a sound material-cycle society comprehensively and systematically and thereby contribute to ensure healthy and cultured living for both the present and future generations of the nation, through articulating the fundamental principles on the establishment of a sound material-cycle society, in conformity with the fundamental philosophy of Fundamental Environment Law (Law No. 91 of 1993), clarifying the responsibilities of the State, local governments, businesses and the public, and articulating fundamental matters for making policies for establishing a sound material-cycle society, including those for establishing Fundamental Plan for Establishing a Sound Material-Cycle Society.

(Definitions)

Article 2. For the purpose of this Law, "a Sound Material-Cycle Society" means a society where the consumption of natural resources is minimized and the environmental load is reduced as much as possible, by restraining products, etc. from becoming wastes, etc., promoting appropriate recycling of products, etc. when they have become recyclable resources, and securing appropriate disposal of the recyclable resources not recycled, which means the disposal as wastes as defined in the Article 2, paragraph 1, of the Waste Management and Public Cleansing Law (the Law No.137 of 1970) (the same definitions of disposal and wastes shall apply hereinafter).

2. In this Law, "wastes, etc." are those listed below:

(1) Wastes;

(2) The articles once used or collected or scrapped not used (excluding those currently in use), or the articles obtained secondarily in the course of manufacturing, processing, repairing or sales of products, supply of energy, civil engineering and building works, production of agricultural and livestock products, and other human activities (excluding the wastes listed in the preceding Subparagraph, and radioactive substances and the things contaminated by them).

3. In this law, "recyclable resources" are those useful among wastes, etc.

4. In this law, "recycling" means reuse, regeneration, and heat recovery.

5. In this Law, "reuse" refers to the actions listed below:

(1) To use recyclable resources as products as they are (including the use of them after repair);

(2) To use the whole or part of recyclable resources as component or part of products.

6. In this Law, "regeneration" means the use of the whole or part of recyclable resources as raw materials.

7. In this Law, "heat recovery" is to use for obtaining heat the things which are the whole or part of recyclable resources and which are available for combustion or have such a possibility.

8. In this Law, "environmental load" means the load on environment as defined in the Article 2-1 of Fundamental Environment Law.

(Establishment of a Sound Material-Cycle Society)

Article 3. The establishment of a sound material-cycle society must be made, by encouraging actions on this to be taken autonomously and positively according to their economic and technological possibilities, with the purpose of realizing the society of sustainable development, by fostering sound economic development with reduced environmental load.

(Proper Role Sharing, etc.)

Article 4. The establishment of a sound material-cycle society must be made, with the necessary measures taken under the proper sharing of roles among the State, local governments, businesses and the public, and with the expenses for such measures shared properly and fairly among them.

(Restraining Raw Materials, Products, etc. from Becoming Wastes, etc.)

Article 5. Raw materials, products, etc. must be restrained from becoming wastes, etc. as far as possible, by the practices such as efficient use of raw materials and the longest possible use of products, in the light of the necessity of reducing as far as possible the environmental load as a result of recycling or disposal of raw materials, products, etc. when they have become recyclable resources.

(Recycling and Disposal of Recyclable Resources)

Article 6. Recyclable resources must be recycled as much as possible, in the light of the necessity of reducing their environmental load by decreasing the quantity of their disposal.

2. Recycling and disposal of recyclable resources must be appropriately made so as not to cause obstacles to environmental conservation.

(Fundamental Principles of Recycling and Disposal of Recyclable Resources)

Article 7. Recycling and disposal of recyclable resources must be done within the technologically and economically possible limits, taking it into full consideration that, for the reduction of environmental load, it is necessary to go by the provisions in the following Subparagraphs. However, if it is effective in reducing environmental load not to go by the provisions in the following Subparagraphs, it must be considered not to go by them.

(1) Of the whole or part of recyclable resources, those which can be reused must be reused.

(2) Of the whole or part of recyclable resources, those which are not reused under the preceding Subparagraph (1) and which can be regenerated, must be regenerated.

(3) Of the whole or part of recyclable resources, for those which are not reused under the above Subparagraph (1) nor regenerated under the preceding Subparagraph (2), and from which heat recovery is possible, heat recovery must be made.

(4) Of the whole or part of recyclable resources, those which are not recycled under the foregoing three Subparagraphs must be disposed.

(Consideration to the Organic Linkage of Policies)

Article 8. In making policies for establishing a sound material-cycle society, necessary consideration shall be taken into so that their mutual organic linkage with other policies for environmental conservation, such as policies for securing proper circulation of matter in the nature, may be promoted.

(Responsibility of the State)

Article 9. The State is responsible for formulating and implementing the fundamental and comprehensive policies for establishing a sound material-cycle society, pursuant to the fundamental principles for establishing a sound material-cycle society as prescribed in the Articles 3 to 7 (hereinafter referred to as "Fundamental Principles").

(Responsibility of Local Governments)

Article 10. Local governments, pursuant to the Fundamental Principles, are responsible for implementing necessary measures to ensure appropriate recycling and disposal of recyclable resources, and for making and implementing the policies in accordance with the natural and social conditions of the local governments' jurisdiction, based on the proper role-sharing with the State for establishing a sound material-cycle society.

(Responsibility of Businesses)

Article 11. Businesses, pursuant to the Fundamental Principles, are in making their business activities, responsible for taking necessary measures to restrain raw materials, etc. from becoming wastes, etc. in their business activities, and, when raw materials, etc. have become recyclable resources in their business activities, responsible for appropriate recycling of such resources by themselves, or taking necessary measures to cause proper recycling to be made, or making appropriate disposal on their own responsibility of the recyclable resources not recycled.

2. Businesses engaged in manufacturing, sales, etc. of products, containers, etc., pursuant to the Fundamental Principles, are, in making their business activities, responsible for taking necessary measures to increase the durability of the products, containers, etc. concerned, to improve the system of carrying out repair works, and to restrain the products, containers, etc. concerned from becoming wastes, etc., and responsible for taking necessary measures to improve the design of the products, containers, etc. concerned to indicate the materials or ingredients, to promote the proper recycling of the products, containers, etc. concerned which have become recyclable resources, and to prevent the proper disposal of them from becoming difficult.

3. In addition to the provisions in the preceding Paragraph, it is necessary for the State, local governments, businesses and the public to share their respective roles properly in order to make appropriate and smooth recycling of the products, containers, etc. which have become recyclable resources, and, if the roles of any particular businesses are deemed important in establishing a sound material-cycle society from the viewpoint of the design and selection of raw material of their products, containers, etc. and the collection, etc. of such products, containers, etc. which have become recyclable resources, the businesses themselves, pursuant to the Fundamental Principles, are responsible for collecting or delivering, or making proper recycling of, such products, containers, etc. which have become recyclable resources, as their roles to share.

4. As for the recyclable resources the recycling of which is technically and economically possible, and the promotion of the recycling of which is deemed important in establishing a sound material-cycle society, the businesses concerned able to recycle such recyclable resources, pursuant to the Fundamental Principles, are responsible for recycling them properly, in implementing their business activities.

5. In addition to the provisions in the foregoing Paragraphs, businesses are, pursuant to the Fundamental Principles, responsible for making their own efforts to form a sound material-cycle society by using recycled articles, etc. in carrying out their business activities, and for cooperating with the State or local governments in carrying out their policies and measures for establishing a sound material-cycle society.

(Responsibility of the Public)

Article 12. The public are, pursuant to the Fundamental Principles, responsible for making efforts to restrain products, etc. from becoming wastes, etc. and promote appropriate recycling of the products, etc. which have become recyclable resources, and for cooperating with the State and local governments in their policies and measures on the proper disposal of such products, etc., by using products as long as possible, using recycled articles, cooperating in separate collection of recyclable resources, etc.

2. In addition to the provisions in the preceding Paragraph, with regard to the products, containers, etc. stipulated in the Paragraph 3 of the preceding Article, the public are, pursuant to the Fundamental Principles, responsible for cooperating in the

measures carried out by the businesses concerned, by delivering the products, containers, etc. which have become recyclable resources, properly to the businesses stipulated in the said Paragraph, and by other proper practices.

3. In addition to the provisions in the foregoing two Paragraphs, the public are, pursuant to the Fundamental Principles, responsible for making their own efforts to form a sound material-cycle society and for cooperating in the policies and measures executed by the State or local governments for establishing a sound material-cycle society.

(Legislative Measures, etc.)

Article 13. The Government shall take legislative or financial measures and other measures necessary to implement the policies for establishing a sound material-cycle society.

(Annual Reports, etc.)

Article 14. The Government shall submit annually to the Diet the reports on the state of occurrence, recycling and disposal of recyclable resources, and on the policies the government has implemented on establishing a sound material-cycle society.

2. The Government shall annually prepare the documents clarifying the policies it is going to implement in the light of the state of occurrence, recycling and disposal of recyclable resources as reported under the preceding Paragraph, and submit them to the Diet.

Chapter 2. Fundamental Plan for Establishing a Sound Material-Cycle Society

(Establishment, etc. of Fundamental Plan for Establishing a Sound Material-Cycle Society)

Article 15. The Government shall establish a fundamental plan for establishing a sound material-cycle society (hereinafter referred to as the " Fundamental Plan for Establishing a Sound Material-Cycle Society"), for the purpose of comprehensive and systematic promotion of the policies for establishing a sound material-cycle society.

2. Fundamental Plan for Establishing a Sound Material-Cycle Society shall provide the following matters:

(1) The fundamental principles on the policies for establishing a sound material-cycle society;

(2) The policies the Government should make comprehensively and systematically for establishing a sound material-cycle society;

(3) In addition to the matters stated in the foregoing two Subparagraphs, other necessary matters to promote the policies for establishing a sound material-cycle society comprehensively and systematically.

3. The Central Environment Council shall, by April 1, 2002, give the Minister of Environment its opinions on the concrete guidelines for establishing Fundamental Plan for Establishing a Sound Material-Cycle Society.

4. The Minister of Environment shall, in accordance with the concrete guidelines under the preceding Paragraph, hear the opinions of the Central Environment Council, prepare the draft Fundamental Plan for Establishing a Sound Material-Cycle Society, and ask for Cabinet decision on it by October 1, 2003.

5. The Minister of Environment shall, in preparing the draft Fundamental Plan for Establishing a Sound Material-Cycle Society, consult with the Ministers in charge of the matters on securing effective use of resources.

6. After the Cabinet decision is obtained under Paragraph 4, the Minister of Environment shall, without delay, report Fundamental Plan for Establishing a Sound Material-Cycle Society to the Diet and make it public.

7. Fundamental Plan for Establishing a Sound Material-Cycle Society shall be reviewed every five years or so, and the provisions of Paragraphs 3 through 5 of this Article shall apply correspondingly to the amendment of Fundamental Plan for Establishing a Sound Material-Cycle Society. In this case, "by April 1, 2002" in Paragraph 3 shall be read as "in advance", and "by October 1, 2003" in Paragraph 4 as "without delay".

(The Relationship between Fundamental Plan for Establishing a Sound Material-Cycle Society and Other National Plans)

Article 16. Fundamental Plan for Establishing a Sound Material-Cycle Society shall be established, based on Fundamental Environment Plan provided in the Article 15, paragraph 1, of Fundamental Environment Law (hereinafter referred to as the "Fundamental Environment Plan").

2. The other national plans than Fundamental Environment Plan and Fundamental Plan for Establishing a Sound Material-Cycle Society shall, with regard to establishing a sound material-cycle society, be based on Fundamental Plan for Establishing a Sound Material-Cycle Society.

Chapter 3. Fundamental Policies for Establishing a Sound Material-Cycle Society

Section 1. Policies of the State

(Measures for Restraining Raw Materials, Products, etc. from Becoming Wastes, etc.)

Article 17. The State shall take regulatory and other necessary measures so that businesses may restrain raw materials, etc. from becoming wastes, etc. through effective use of raw materials, introduction of reusable containers, etc. in their business activities.

2. The State shall take necessary measures, such as dissemination of related knowledge, so that the public may restrain products, etc. from becoming wastes, etc. by using products as long as possible, choosing the products for which containers, etc. are not excessively used when purchasing goods, and so on.

(Measures for Proper Recycling and Disposal of Recyclable Resources)

Article 18. The State shall take regulatory and other necessary measures so that businesses may, in their business activities, make appropriate recycling for themselves of the recyclable resources resulting from such activities, or promote the recycling of them to be made appropriately, or dispose on their own responsibility of the recyclable resources not recycled.

2. The State shall take necessary measures so that the public may promote the appropriate recycling and disposal of recyclable resources through cooperation in separate collection of their used products, etc. which have become recyclable resources, cooperation in the proper and smooth execution of such collection, delivery and recycling of recyclable resources as stipulated in the following Paragraph, and other cooperative actions.

3. In order to promote the appropriate and smooth recycling of products, containers, etc. when they have become recyclable resources, with regard to the products, containers, etc. for which it is deemed necessary for the State, local governments, businesses and the public to share their respective roles properly, and for which the roles of the businesses concerned are deemed important in establishing a sound material-cycle society from the viewpoints of the design of such products, containers, etc, the selection of their raw materials, and the collection, etc. of such products, containers, etc. when they have become recyclable resources, the State shall, after taking the technological difficulty in disposing of the recyclable resources concerned,

the possibility of recycling of such resources, etc. into consideration, take necessary measures so that the businesses engaged in manufacturing, selling, etc. of such products, containers, etc. may collect such products, containers, etc. which have become recyclable resources, or deliver such recyclable resources collected, or make appropriate recycling of such recyclable resources collected.

4. The State shall, with regard to the recyclable resources the recycling of which is technologically and economically possible and the promotion of recycling of which is deemed important in establishing a sound material-cycle society, take regulatory and other necessary measures so that the businesses able to recycle such recyclable resources in their business activities may recycle them appropriately.

(Promotion of Use of Recycled Articles)

Article 19. In order to contribute to the increase in demand for recycled articles, the State shall take the lead in making use of recycled articles and take necessary measures so that the use of recycled articles by local governments, businesses and the public may be promoted.

(Promotion, etc. of Prior Evaluation of Products, Containers, etc.)

Article 20. Taking the degree of environmental load by the recycling and disposal of recyclable resources into consideration, the State shall take technological support and other necessary measures to help businesses, in manufacturing, processing or selling of goods or in other business activities, make their own evaluation beforehand of the matters listed in the following Subparagraphs with regard to the products, containers, etc. involved in their business activities, and based on such evaluation results, devise various means to reduce environmental load related with such products, containers, etc., so that such products, containers, etc. may be restrained from becoming wastes, etc., that the recycling of such products, containers, etc. when they have become recyclable resources may be promoted and that the environmental load by the recycling and disposal of them may be reduced:

- (1) The matters relating to the durability of the products, containers, etc. involved in their business activities;
- (2) The matters relating to the difficulty in recycling and disposing of the products, containers, etc. involved in their business activities when they have become recyclable resources;
- (3) The matters relating to the weight or volume of the products, containers, etc.

involved in their business activities when they have become recyclable resources;

(4) The matters relating to the kinds and quantities of the substances contained in the products, containers, etc. involved in their business activities, feared to cause damage to the human health or life environment (including properties closely related with human life, and animals & plants and their habitats closely related with human life), and the matters relating to the degree of environmental load by the disposal of such products, containers, etc. when they have become recyclable products.

2. The State shall take regulatory and other necessary measures to ensure that businesses will provide information on the materials or substances of the products, containers, etc. involved in their business activities, the methods of disposal of them, and other matters, necessary for such products, containers, etc. to be restrained from becoming wastes, etc. or to be recycled or disposed of when they have become recyclable resources, to other businesses recycling and disposing of them and the public.

(Prevention of Obstacles to Environmental Conservation)

Article 21. The State shall take regulatory and other necessary measures to control the discharge of substances causing environmental pollution (pollution as defined in the Article 2, Paragraph 3, of Fundamental Environment Law), in order to restrain raw materials, etc. from becoming wastes, etc. and prevent obstacles to environmental conservation in recycling and disposing of recyclable resources.

(Measures such as Removal of Obstacles to Environmental Conservation)

Article 22. In the case where the recycling and disposal of recyclable resources are recognized to cause obstacles to environmental conservation, the State shall take necessary measures to require any businesses, who have used, disposed of or discharged such recyclable resources causing obstacles to environmental conservation, to bear the expenses necessary to treat such recyclable resources properly, remove such obstacles to environmental preservation, and restore the environment concerned to the original state. In this case, the State shall take necessary measures, including the foundation of a fund contributed by businesses, etc., so that the expenses may be paid even when the businesses concerned cannot bear such expenses because of their lack of financial resources, inability to determine their liability, etc.

(Economic Measures to Restrain Raw Materials, etc. from Becoming Wastes, etc.)

Article 23. In order to help businesses, who are engaged in manufacturing or

processing of products, etc., or recycling, disposal, collection or transport of recyclable resources, improve their facilities for effective use of raw materials, expand their facilities for manufacturing recycled articles, or take other suitable measures to restrain raw materials, etc. from becoming wastes, etc. or to make proper recycling and disposal of recyclable resources, the State shall make efforts to take necessary measures to give them necessary and proper economic assistance, taking their economic situations, etc. into consideration.

2. With regard to the policies to urge businesses and the public, by imposing appropriate and fair economic burdens, to take actions contributing to the restraint of products, containers, etc. from becoming wastes, etc. or the appropriate and smooth recycling or disposal of products, containers, etc. when they have become recyclable resources, the State shall make proper surveys and studies on any possible effects, influences on the Japanese economy, etc. if any measures under such policies are taken, and shall make efforts to gain understanding and cooperation from the public for establishing a sound material-cycle society by making use of such policies and measures if it is necessary to introduce them.

(Construction of Public Facilities)

Article 24. The State shall take necessary measures to promote the construction of public facilities (including mobile facilities) available for the recycling, disposal, collection or transport of recyclable resources, and other public facilities contributing to the establishment of a sound material-cycle society.

(Measures to Ensure Proper Policy-Making, etc. by Local Governments)

Article 25. The State shall take necessary measures to ensure the policies for establishing a sound material-cycle society, including those on the recycling and disposal of recyclable resources, will be appropriately made and implemented by local governments.

(Financial Measures, etc. to Local Governments)

Article 26. The State shall make efforts to take necessary financial and other measures on the expenses for local governments to make and implement their policies for establishing a sound material-cycle society.

(Promotion, etc. of Education and Learning on the Establishment of a Sound Material-Cycle Society)

Article 27. The State shall take necessary measures for the improvement of publicity and the promotion of education and learning on the establishment of a sound material-cycle society, in view of the fact that it is indispensable to get understanding and cooperation from businesses and the public in order to facilitate the transformation into a sound material-cycle society.

(Measures to Encourage Voluntary Activities by Non-Government Organizations, etc.)

Article 28. The State shall take necessary measures to encourage voluntary activities for establishing a sound material-cycle society by businesses, the public, or non-government organizations organized by them (called "non-government organizations, etc." in the following Paragraph), including such activities as collecting recyclable resources, organizing gatherings for transfer or exchange of recyclable resources, and indicating what is contributing to the recycling and disposal of products, containers, etc. when they have become recyclable resources.

2. The State shall make efforts to properly provide necessary information on the establishment of a sound material-cycle society, including information on the occurrence of recyclable resources and the state of recycling and disposal of them, to help promote voluntary activities by the non-government organizations, etc. for establishing a sound material-cycle society, as mentioned in the preceding Paragraph.

(Conduct of Surveys)

Article 29. The State shall conduct necessary surveys to prepare and implement appropriately the policies and measures for establishing a sound material-cycle society, including surveys of the occurrence, recycling and disposal of recyclable resources, their outlook for the future, or environmental impact of disposal of recyclable resources.

(Promotion of Science and Technology)

Article 30. The State shall promote the development of science and technology on the establishment of a sound material-cycle society, including methods for evaluating the degree of environmental load resulting from the recycling and disposal of recyclable resources, and technologies for restraining products, etc. from becoming wastes, etc. or for appropriate recycling and disposal of recyclable resources.

2. The State shall take necessary measures, including improvement of research systems, promotion of research and development activities, dissemination of its results,

and training of researchers, to promote the development of science and technology on the establishment of a sound material-cycle society.

(Measures for International Cooperation)

Article 31. The State shall take necessary measures to promote international mutual cooperation on the establishment of a sound material-cycle society, including securing international cooperation on the recycling and disposal of recyclable resources, in view of the importance of establishing a sound material-cycle society under the international cooperation.

Section 2. Policies of Local Governments

Article 32. Local governments shall implement, with the aim of the comprehensive and systematic promotion of, the necessary policies and measures for establishing a sound material-cycle society according to the natural and social conditions of the local governments' jurisdiction.

Supplementary Provision

(Date of Enforcement)

Article 1. This Law shall enter into force on the day of its promulgation except for the provision of the Articles 15 and 16, which shall enter into force on the 6th of January, 2001.

(The rest omitted)