

# THE LAW CONCERNING STANDARDIZATION AND PROPER LABELING OF AGRICULTURAL AND FORESTRY PRODUCTS

(Law No. 175 of 1950)

\*As amended in 1999

( UNOFFICIAL TRANSLATION )

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## Chapter 1 General Provisions

### (Purposes of Law)

Article 1 The purposes of this Law are to achieve the improvement of quality, the rationalization of production, the simplification and fair trading, and the rationalization of use or consumption of agricultural and forest products by establishing proper and reasonable standard for the agricultural and forest products and disseminating it and to help general consumers select products by obligating the proper labeling which concerns the quality of the agricultural and forest products, thereby contributing to the promotion of public welfare.

### (Definition, etc.)

Article 2 In this Law, the term "agricultural and forest products" means the products mentioned in the following items except liquors as well as drugs, quasi-drugs and cosmetics provided in the Pharmaceutical Affairs Law (Law No. 145 of 1960) :

(1) Beverages and foods, and oils and fats; and

(2) Agricultural, forest, livestock and marine products, and the products manufactured or processed using such products as materials or ingredients (except those mentioned in the preceding item) that shall be provided by a Government Ordinance.

2. In this Law, the term standard means the criteria for the quality of the agricultural and forest products (including shape, size and quantity thereof or the conditions for packing, packaging or the like; being the same hereinafter), and the standard for the labelling of quality (including the

indication of denomination and the place of origin but excluding the indication of nutritive components; being the same hereinafter).

3. In this Law, the term "Japanese Agricultural Standard" means the standard established under the provisions of Article 7 that shall contain the standard for the quality of the following agricultural and forest products:

(1) Standard for quality such as grade, composition and performance (excluding the one mentioned in the next item); and

(2) Standard for the method of production.

4. The Japanese Agricultural Standard concerning the standard mentioned in Item (2) of the preceding Paragraph may be established to the agricultural and forest products which can be judged to have unique characteristic in their production method and, as a result, are expected to enhance their value.

5. In this Law, the term "Registered Grading Organization", "Registered Certification Organization", "Registered Foreign Grading Organization" or "Registered Foreign Certification Organization" means a corporation that have been registered as such by the Minister of Agriculture, Forestry and Fisheries under the provisions of Article 16, Paragraph 2; Article 16, Paragraph 2 quoted in Article 17-6, Paragraph 2; Article 16, Paragraph 2 quoted in Article 19-6-2, Paragraph 2; or Article 16, Paragraph 2 quoted in Article 19-6-4, Paragraph 2, respectively.

## Chapter 2 Research Committee for the Standard for Agricultural and Forest Products

Article 3 The Research Committee for the Standard for Agricultural and Forest Products (hereinafter called the "Research Committee") is organized in the Ministry of Agriculture, Forestry and Fisheries.

2. The Research Committee shall, in response to the consultation of the Minister of Agriculture, Forestry and Fisheries, research and deliberate the establishment and dissemination of the Japanese Agricultural Standard, the promotion of proper labeling concerning the quality of the agricultural and forest products, and any other important matter related to the enforcement of this Law.

3. The Research Committee may state its opinion to the Minister of Agriculture, Forestry and Fisheries concerning the matters provided in the preceding Paragraph.

Article 4 The Research Committee shall consist of the members not more than twenty (20).

2. The Research Committee may, wherever necessary, have a specialized member for the purpose of having any specific matters researched.

3. The Minister of Agriculture, Forestry and Fisheries shall respectively appoint the members of the Research Committee from scholars and men of experience and the specialized members from the staff of public agencies concerned or the people who have expert knowledge on the quality, production, transaction, use or consumption of agricultural and forest products.

4. The members of the Research Committee and the specialized members shall serve on a part time basis.

Article 5 The Research Committee shall have a Chairman elected by ballot of the members.

2. The Chairman shall preside over all the affairs of the Research Committee.

Article 6 Other than those provided in the preceding three Articles, any matters necessary for the organization and management of the Research Committee shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

## Chapter 3 Establishment of the Japanese Agricultural Standard

(Establishment of the Japanese Agricultural Standard)

Article 7 If the Minister of Agriculture, Forestry and Fisheries judges it necessary for attaining the purposes provided in Article 1, he shall designate the category of any agricultural and forest product and establish the Standard relating it.

2. The Standard mentioned in the preceding Paragraph shall be established with respect to the current situation and future forecast of quality, production, transaction, use or consumption of the agricultural and forest product covered by the Standard as well as international trend of standard, and to reflect the intent of the persons having substantial interests, and further, in the implementation, so as not to unfairly put discrimination against any person present in similar conditions.

3. Based on the provision of Paragraph 1, if the Minister of Agriculture, Forestry and Fisheries establishes a standard of any drink or food provided in Article 19-8, Paragraph 1 or any agricultural and forest product provided in Paragraph 3 of the said Article, he shall not provide its quality labelling standard. However, in the case of the provision of quality labelling standard for the items which are not stipulated by Paragraphs 1 to 3 of the said Article, it is not necessary to be restricted by the provision of this paragraph.

4. If the Minister of Agriculture, Forestry and Fisheries establishes a Standard under the provision of Paragraph 1, he may leave unprovided the quality labelling standard of any agricultural and forest product which quality is expected to be easily identified by the user when he buys it.

5. If the Minister of Agriculture, Forestry and Fisheries intends to establish a Standard under the provision of Paragraph 1, he must obtain in advance the resolution of the Research Committee.

Article 8 Any Prefecture or interested person may, pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, propose to the Minister of Agriculture, Forestry and Fisheries that a Japanese Agricultural Standard should be established by designating the category of the agricultural and forest product and preparing its original draft.

2. If, in the case that the Minister of Agriculture, Forestry and Fisheries has received a proposal under the provision of the preceding Paragraph, he judges that Japanese Agricultural Standard should be established concerning the agricultural and forest product covered by such proposal, he shall present the original draft mentioned in the said Paragraph to the Research Committee for deliberation. If he judges that it is unnecessary to do so, he must notify it the proposer with the reason attached.

3. When the Minister of Agriculture, Forestry and Fisheries intends to notify as provided in the preceding Paragraph, he must obtain the opinion of the Research Committee in advance.

(Confirmation, Amendment and Abolition of the Japanese Agricultural Standard)

Article 9 The provisions of the preceding two Paragraphs shall quote the confirmation, amendment or abolition of the Japanese Agricultural Standard.

Article 9-2 The Minister of Agriculture, Forestry and Fisheries must bring it to the deliberation of the Research Committee whether or not the Japanese Agricultural Standard established or confirmed or amended under the provisions of Article 7 (including the cases where is quoted in the preceding Article) is still proper, not later than the day that five (5) years passed from the date of the said establishment or confirmation or amendment. In addition, the minister must promptly confirm it or, if he judges it necessary, must amend or abolish it.

(Proclamation)

Article 10 The establishment, amendment or abolition of the Japanese Agricultural Standard must be carried out by specifying the enforcement date and proclaiming it at least thirty (30) days prior.

2. The confirmation of the Japanese Agricultural Standard must be carried out by proclaiming it.

(Prohibition of Reference to the Japanese Agricultural Standard)

Article 11 No one shall use the Japanese Agricultural Standard or any other name confusing it for any standard for agricultural and forest products other than the Japanese Agricultural Standard.

(Restriction on the Use of Standard)

Article 12 In grading the agricultural and forest products for which the Japanese Agricultural Standard has been established, any Prefecture or Registered Grading Organization must carry out the same in accordance with the Japanese Agricultural Standard. However, in the case of the grading of the quality other than the quality which is mentioned in Article 2, Paragraph 3, Item(2) for any agricultural and forest product that is covered by Japanese Agricultural Standard on the standard mentioned by Article 2, Paragraph 3, Item(2), it is not necessary to be restricted by the provision of this paragraph.

(Public Hearing)

Article 13 If the Minister of Agriculture, Forestry and Fisheries judges it necessary, he may hold a public hearing to listen the opinion of interested people as to whether any Japanese Agricultural Standard should be established or on a draft of such Japanese Agricultural Standard.

2. Any person having substantial interest in any Japanese Agricultural Standard may request the Minister of Agriculture, Forestry and Fisheries to hold a public hearing which concerns that the Japanese Agricultural Standard would, or not, reflect the intention of all interested people or it would, or not, unfairly put discrimination against any person present in similar conditions in its application.

3. If the request for the preceding Paragraph has been made, the Minister of Agriculture, Forestry and Fisheries must hold the public hearing.

4. The Minister of Agriculture, Forestry and Fisheries must review the facts revealed in the public hearing and, if he judges it necessary to amend the Japanese Agricultural Standard, he must bring the matter of amendment to the deliberation of the Research Committee.

5. Other than those provided in the preceding Paragraphs, any matters which are necessary for the public hearing shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

## Chapter 4 Grading in accordance with the Japanese Agricultural Standard

### Section 1 Grading

(Grading by Prefecture, etc.)

Article 14 If any Prefecture has carried out the grading of the Japanese Agricultural Standard on any agricultural and forest product in accordance with the Prefectural Ordinance, it may attach a special label showing that the grading has been carried out in accordance with the Japanese Agricultural Standard (hereinafter called the label of grading) to the agricultural and forest product or its packaging, container or invoice. The foregoing shall also apply if any organization of the Ministry of Agriculture, Forestry and Fisheries or Registered Grading Organization has carried out such grading of any agricultural and forest product in accordance with the Japanese Agricultural Standard.

2. The grading mentioned in the preceding Paragraph shall be carried out based on the inspection which mentioned in the following Items by the standard respectively:

(1) For the standard mentioned in Article 2, Paragraph 3, Item (1): The inspection of any agricultural and forest product in accordance with the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries

(2) For the standard mentioned in Article 2, Paragraph 3, Item (2): The inspection of the production process of any agricultural and forest product in accordance with the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries

3. Any person who seeks to obtain the grading which will be carried out by the organization of the Ministry of Agriculture, Forestry and Fisheries in accordance with the latter sentence of Paragraph 1 must pay a fee which amount was fixed by a Government Ordinance considering its actual costs and expenses.

4. Any person who seeks to obtain the grading which will be carried out by the Registered Grading Organization in accordance with the latter sentence of Paragraph 1 must pay a fee which amount was fixed by the Registered Grading Organization with the authorization of the Minister of Agriculture, Forestry and Fisheries to the Registered Grading Organization based on a Government Ordinance.

5. Any necessary matters concerning the format and method of the labelling of grading shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Grading by Manufacturer, etc.)

Article 15 Any manufacturer or processor (including preparation and selection; being the same hereinafter) of any agricultural and forest product (hereinafter called "manufacturer") may carry out the grading of his products in accordance with the Japanese Agricultural Standard, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries or a Registered Certification Organization as to his respective factory or place of business and respective kind of agricultural and forest product. Then, the manufacturer may attach the label of grading (except the label under the provision of Article 16, Paragraph 1 of the Agricultural Products Inspection Law (Law No. 144 of 1951); being the same hereinafter) to the agricultural and forest product or its packaging, container or invoice.

2. Any person who manages or controls production process of an agricultural and forest product such as producers, and who is provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries (hereinafter called "Production Process Managers") may carry out the grading of the products which he manages or controls production process in accordance with the JAS, with the certification by the Minister of Agriculture, Forestry and Fisheries or a Registered Certification Organization in accordance with a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries by respective field or place of business and respective kind of agricultural and forest product. Then, the Production Process Manager may attach the label of grading (limited to the one concerning the standard mentioned in Article 2, Paragraph 3, Item (2)) to the agricultural and forest product its packaging, container or invoice.

3. The manufacturer or production process manager of any agricultural and forest product who has obtained the certification mentioned in the preceding two (2) Paragraphs may, if it is especially necessary for carrying out the said labelling efficiently, attach the label of grading to the agricultural and forest product covered by the certification concerned or its packaging, container or invoice, prior to the grading which will be done under the provisions of the said Paragraphs.

4. The agricultural and forest product (or its packaging, container or invoice) attached the label of grading under the provision of the preceding Paragraph must not be transferred, consigned for transfer or displayed for transfer before the grading is carried out under the provisions of Paragraph 1 or 2.

5. The manufacturer or production process manager of any agricultural and forest product (or its packaging, container or invoice) attached the label under the provision of Paragraph 3 must,

when it is proved that such label does not conform to the result of the grading under the provisions of Paragraph 1 or 2, remove or erase the label without delay.

6. The technical standard for the certification mentioned in Paragraphs 1 and 2 will be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

7. Any person who seeks to obtain the certification which is carried out by the Minister of Agriculture, Forestry and Fisheries under the provisions of Paragraph 1 or 2 must pay a fee which amount is fixed by a Government Ordinance taking account of actual costs and expenses.

8. Any person who seeks to obtain the certification which is carried out by the Registered Certification Organization under the provisions of Paragraph 1 or 2 must pay to the Registered Certification Organization a fee which amount is fixed by the Registered Certification Organization with the authorization of the Minister of Agriculture, Forestry and Fisheries as provided by a Government Ordinance.

9. The provisions of Paragraph 2 of the preceding Article shall quote the grading mentioned in Paragraph 1 or 2.

#### (Succession)

Article 15-2 When the manufacturer of any agricultural and forest product who has obtained the certification mentioned in Paragraph 1 of the preceding Article (hereinafter called the "Certified Manufacturer") has transferred his whole manufacturing or processing business of the agricultural and forest product covered by the certification, or when the production process manager of any agricultural and forest product who has obtained the certification mentioned in Paragraph 2 of the preceding Article (hereinafter called the "Certified Production Process Manager") has transferred his whole grading business of the agricultural and forest product covered by the certification concerned, the person who has taken the transfer of the whole business succeeds to the status of its Certified Manufacturer or Certified Production Process Manager.

2. When a Certified Manufacturer or Certified Production Process Manager has inherited or has merged, the heir (in case that there are two (2) or more heirs, the heir who is selected by the consent of all of them to succeed to the business) or the corporation which exists after the merger or the corporation which has been formed by the merger succeeds to the status of the Certified Manufacturer or Certified Production Process Manager.

3. The one who or which has succeeded to the status of the Certified Manufacturer or Certified Production Process Manager under the provisions of the preceding two (2) Paragraphs must notify the succession to the Minister of Agriculture, Forestry and Fisheries without delay with a document substantiating the fact attached.

#### (Notification of the Discontinuance of Business)

Article 15-3 When a Certified Manufacturer has discontinued his manufacturing or processing business of any agricultural and forest product covered by the certification, or when a Certified Production Process Manager has discontinued his grading business of any agricultural and forest product covered by the certification, the Certified Manufacturer or Certified Production Process Manager must notify the discontinuance to the Minister of Agriculture, Forestry and Fisheries without delay.

#### (Invalidation of Certification)

Article 15-4 When a Certified Manufacturer has discontinued his manufacturing or processing business of any agricultural and forest product covered by the certification, or when a Certified Production Process Manager has discontinued his grading business of any agricultural and forest product covered by the certification, the certification for the Certified Manufacturer under Article 15, Paragraph 1 or the certification for the Certified Production Process Manager under Paragraph 2 of that Article will become invalid.

(Cancellation of Certification, etc.)

Article 15-5 When any Certified Manufacturer or Certified Production Process Manager falls under any one of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel the certification:

(1) If he has violated the provisions of Article 15, Paragraph 4 or 5, Article 18, Paragraph 1 or 3 or Article 19;

(2) If he becomes out of the technical standard mentioned in Article 15, Paragraph 6;

(3) If he has violated the order under the provisions of Article 19-2;

(4) If he has not made the report under the provision of Article 20, Paragraph 2 or made a false report, or has refused, impeded or challenged the inspection under the provisions of that Paragraph; or

(5) If he has obtained the certification under Article 15, Paragraph 1 or 2 by improper means.

2. The examination on the date of hearing for the penalty under the provisions of the preceding Paragraph must be carried out by an open hearing.

3. When any interested person in the penalty requests to participate in the procedures for the said hearing under the provisions of Article 17, Paragraph 1 of the Administrative Procedures Law (Law No. 88 of 1993), the person who presides over the hearing must permit the request.

(Labelling of Grading by Subdivider)

Article 15-6 Any person who divides any agricultural and forest product as his business (including any person who subdivides and sells by himself; hereinafter called the "subdivider") may attach the same label of grading as has been attached to the agricultural and forest product or the packaging, container or invoice therefor before it was subdivided to the subdivided agricultural and forest product or the packaging, container or invoice therefor, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries or the Registered Certification Organization as to his respective place of business and respective kind of agricultural and forest product, concerning the agricultural and forest product covered by the certification concerned to which the label of grading (limited to that for the standard mentioned in Article 2, Paragraph 3, Item (2); being the same in this Paragraph and Article 19-3-2) has been attached (including such agricultural and forest product if such label has been attached to the packaging, container or invoice therefor; being the same in the said Article).

2. The provisions of Article 15, Paragraphs 6 to 8 and the provisions of Article 15-2 to the preceding Article shall quote the certification under the preceding Paragraph and the subdivider of any agricultural and forest product who has obtained the certification under the said Paragraph (hereinafter called the "Certified Subdivider"), respectively. In this case, "Article 15, Paragraph 4 or 5, Article 18, Paragraph 1" appearing in Paragraph 1, Item (1) of the said Article shall be read "Article 18, Paragraph 1".

(Labelling of Grading by Importer)

Article 15-7 The importer of any specified agricultural and forest product (called the "Specified Agricultural and Forest Product" in this Article and Article 18, Paragraph 1, Item (4)) may attach the label of grading to the Specified Agricultural and Forest Product concerned which is imported by him or the packaging, container or invoice therefor, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries or the Registered Certification Organization, concerning the Specified Agricultural and Forest Product covered by the certification concerned to which the certificate or copy thereof stating the matters provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries has been attached.

2. The certificate mentioned in the preceding Paragraph is limited to the ones issued by the

governmental organizations or those designated as quasi-governmental organizations by the Minister of Agriculture, Forestry and Fisheries of foreign countries (limited to those provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries as the countries having a grading system judged to be at a level equivalent to that of the grading system in accordance with the Japanese Agricultural Standard concerning the Specified Agricultural and Forest Product concerned).

3. The Minister of Agriculture, Forestry and Fisheries, if he has so designated as mentioned in the preceding Paragraph, must proclaim without delay the names and such other matters as provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries of the quasi-governmental organizations of foreign countries covered by such designation.

4. The provisions of Article 15, Paragraphs 6 to 8 and the provisions of Articles 15-2 to 15-5 shall quote the certification under Paragraph 1 and the importer of any Specified Agricultural and Forest Product who has obtained the certification under that Paragraph (hereinafter called the "Certified Importer"), respectively. In this case, "Article 15, Paragraph 4 or 5 or Article 18, Paragraph 1" appearing in Paragraph 1, Item (1) of the said Article shall be read "Article 18, Paragraph 1".

## Section 2 Registered Grading Organization

(Registration of Registered Grading Organization)

Article 16 Any corporation who seeks to obtain the registration of a Registered Grading Organization (except ones who seek to carry out the grading under Article 14, Paragraph 1 by his place of business located abroad) must make an application for the registration to the Minister of Agriculture, Forestry and Fisheries pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by paying a fee therefor in such an amount as shall be fixed by a Government Ordinance taking account of actual costs and expenses, as to the respective kind of agricultural and forest product.

2. The Minister of Agriculture, Forestry and Fisheries, if he judges that the application for registration under the provision of the preceding Paragraph conforms to all of the following requirements, must make the registration thereof as provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries:

(1) The machines, tools and other equipment to be used for the grading of the agricultural and forest product covered by the application concerned and the qualification and number of those who are to be engaged in such grading conform to the criteria therefor provided by the Minister of Agriculture, Forestry and Fisheries;

(2) The one who has made the application is a corporation which has enough financial foundation to carry out appropriately and smoothly the grading of the agricultural and forest product covered by the application;

(3) The members or the composition of personnel provided by the Ministerial Ordinance of Agriculture, Forestry and Fisheries as to the kind of officers and corporations are not likely to impede the fair execution of the grading; and

(4) If any business other than the grading business is being done, the execution of such business is not likely to make the grading unfair.

3. Any corporation which falls under any one of the following Items may not obtain the registration of a Registered Grading Organization:

(1) If such corporation or any officer executing the affairs thereof was given a fine or much heavier punishment under the provisions of this Law and has not passed one year from the day on which he or it finished the execution thereof or made free from the execution thereof;

(2) If such corporation was rendered the cancellation of its registration under the provisions of Article 17-4, Paragraphs 1 to 3 or Article 19-6-3, Paragraphs 1 to 3 and has not passed one year

from the date of such cancellation; or

(3) If such corporation has an officer executing the affair thereof who was its officer executing the affair thereof related with the cancellation within thirty (30) days prior to the date of cancellation under the provisions of Article 17-4, Paragraphs 1 to 3 or Article 19-6-3, Paragraphs 1 to 3 and has not passed one year from the date of such cancellation.

4. The registration shall be carried out by entering the following matters in the register:

(1) Registration date and registration number;

(2) Name and address of the Registered Grading Organization;

(3) Kind of the agricultural and forest product the grading of which is carried out by the Registered Grading Organization;

(4) Area where the grading is carried out by the Registered Grading Organization and the location of the place of business thereof.

5. If the Minister of Agriculture, Forestry and Fisheries has made the registration under Paragraph 2, he must proclaim the matters mentioned in the preceding Paragraph without delay.

6. If the Registered Grading Organization has changed any matter mentioned in Paragraph 4, Item (2) or (4) or discontinued its grading business of the agricultural and forest product covered by the registration, the Registered Grading Organization must so notify the Minister of Agriculture, Forestry and Fisheries without delay.

7. If the Minister of Agriculture, Forestry and Fisheries has received the notification under the preceding Paragraph, he must so proclaim without delay.

#### (Renewal of Registration)

Article 16-2 Unless any Registered Grading Organization obtains the renewal thereof for every such period as shall be provided by a Government Ordinance within five (5) years or longer but not to exceed ten (10) years, the registration thereof becomes invalid upon the passage of such period.

2. The provisions of Paragraphs 1 to 5 of the preceding Article shall quote the renewal under the preceding Paragraph.

3. If the registration of any Registered Grading Organization has become invalid under the provision of Paragraph 1, the Minister of Agriculture, Forestry and Fisheries must so proclaim without delay.

#### (Registered Grading Organizations Obligation of Grading)

Article 17 If any Registered Grading Organization is requested to carry out the grading of any agricultural and forest product covered by the registration, it must carry out such grading without delay, except if it has any due reason to decline the same.

#### (Grading Business Rules)

Article 17-2 Any Registered Grading Organization must prescribe its rules for business concerning the grading in accordance with the Japanese Agricultural Standard (hereinafter called the "Grading Business Rules") and obtain the authorization thereof of the Minister of Agriculture, Forestry and Fisheries. The foregoing shall also apply if it intends to change the same.

2. The matters to be provided by the Grading Business Rules shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

3. If the Minister of Agriculture, Forestry and Fisheries judges that any Grading Business Rules authorized under Paragraph 1 has become inappropriate in the fair execution of grading, he may order that such Grading Business Rules should be changed.

#### (Entry of Register)

Article 17-3 Any Registered Grading Organization must keep books as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, enter therein the

matters concerning its grading business in accordance with the Japanese Agricultural Standard and have the custody thereof.

(Cancellation of Registration of the Registered Grading Organization)

Article 17-4 If any Registered Grading Organization falls under any one of the Items of Article 16, Paragraph 3, the Minister of Agriculture, Forestry and Fisheries must cancel the registration thereof.

2. If any Registered Grading Organization falls under any one of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel the registration thereof or order the suspension of the grading carried out in accordance with the Japanese Agricultural Standard by specifying a time period not to exceed one year:

(1) If it has become not conforming to any of the requirements mentioned in the Items of Article 16, Paragraph 2;

(2) If it has carried out the grading in accordance with the Japanese Agricultural Standard not pursuant to the Grading Business Rules authorized under Article 17-2, Paragraph 1;

(3) If it has obtained the registration under Article 16, Paragraph 2 by improper means; or

(4) If it has violated the provision of this Law or any order under this Law or any disposition under such provision.

3. Other than the cases provided in the preceding two Paragraphs, if any Registered Grading Organization does not start, without any due reason, its grading business for the agricultural and forest product covered by the registration after one year has passed from the date of registration or suspends such grading business continuously for one year or longer, the Minister of Agriculture, Forestry and Fisheries may cancel such registration.

4. If the Minister of Agriculture, Forestry and Fisheries has made the disposition under the preceding three Paragraphs, he must so proclaim without delay.

5. The provisions of Article 15-5, Paragraph 2 shall quote the hearing concerning the cancellation of registration under the provisions of Paragraphs 1 to 3.

(Prohibition of Use of the Name of the Japanese Agricultural Standard Registered Grading Organization)

Article 17-5 Anyone who is not a Registered Grading Organization must not use the name of the Japanese Agricultural Standard Registered Grading Organization or any name confusing therewith.

2. Any Registered Grading Organization must not use the name of the Japanese Agricultural Standard Registered Grading Organization or any name confusing therewith for any agricultural and forest products other than its registered agricultural and forest product.

Section 3 Registered Certification Organization

(Registration of Registered Certification Organization)

Article 17-6 Any corporation who seeks to obtain the registration of a Registered Certification Organization (except anyone who seeks to carry out the certification under Article 15, Paragraph 1 or 2, Article 15-6, Paragraph 1, Article 15-7, Paragraph 1, Article 19-3 or Article 19-3-2 (hereinafter in this Section and in Article 20, Paragraph 1 simply called "certification")) by his place of business located in a foreign country) must make an application for the registration to the Minister of Agriculture, Forestry and Fisheries pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by paying a fee therefor in such an amount as shall be fixed by a Government Ordinance taking account of actual costs and expenses, as to the respective class provided by the said Ministerial Ordinance.

2. The provisions of Article 16, Paragraphs 2 to 7 and Articles 16-2 to 17-4 shall quote the

Registered Certification Organization. In this case, "the machines, tools and other equipment to be used for the grading of the agricultural and forest product" "the qualification and number of those who are to be engaged in such grading" "therefor" appearing in Article 16, Paragraph 2, Item (1) shall be read "the qualification and number of those who are to be engaged in certification work and the matters concerning the management of certification work"; "Article 17-4, Paragraphs 1 to 3 or Article 19-6-3, Paragraphs 1 to 3" appearing in Items (2) and (3) of the said Article, Paragraph 3 shall be read "Article 17-4, Paragraphs 1 to 3 quoted in Article 17-6, Paragraph 2 or Article 19-6-3, Paragraphs 1 to 3 quoted in Article 19-6-4, Paragraph 2" and "Paragraph 4, Item (2) or (4)" appearing in the said Article, Paragraph 6 shall be read "Paragraph 4, Items (2) to (4)".

(Report to the Minister of Agriculture, Forestry and Fisheries)

Article 17-7 If any Registered Certification Organization has carried out certification, it must so report to the Minister of Agriculture, Forestry and Fisheries as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Confidentiality Obligation, etc.)

Article 17-8 Any officer or personnel of a Registered Certification Organization or anyone who was such a person must not divulge any secret which has come to his knowledge concerning the certification work or use the same for his interest.

2. Any officer or personnel of a Registered Certification Organization who are engaged in the certification work shall be deemed to be the personnel engaged in public affairs under laws and regulations as far as the application of the Penal Code (Law No. 45 of 1907) or any other penal regulation is concerned.

(Prohibition of Use of the Name of the Japanese Agricultural Standard Registered Certification Organization)

Article 17-9 Anyone who is not a Registered Certification Organization must not use the name of the Japanese Agricultural Standard Registered Certification Organization or any name confusing therewith.

2. Any Registered Certification Organization must not use the name of the Japanese Agricultural Standard Registered Certification Organization or any name confusing therewith for any agricultural and forest products other than its registered agricultural and forest product.

#### Section 4 Protection of the Labelling of Grading

(Prohibition of the Labelling of Grading)

Article 18 No person other than the organizations of the Ministry of Agriculture, Forestry and Fisheries, Prefectures, Registered Grading Organizations and Registered Foreign Grading Organizations must attach the label of grading to agricultural and forest product or the packaging, container or invoice therefor, except in the following cases:

(1) If any Certified Manufacturer attaches the label of grading to the agricultural and forest product manufactured or processed by him or the packaging, container or invoice therefor under the provisions of Article 15, Paragraph 1 or 3;

(2) If any Certified Production Process Manager attaches the label of grading to the agricultural and forest product the production process of which is managed or controlled by him, or the packaging, container or invoice therefor under the provisions of Article 15, Paragraph 2 or 3;

(3) If any Certified Subdivider attaches the label of grading to the agricultural and forest product after subdivided or the packaging, container or invoice therefor under the provisions of Article 15-6, Paragraph 1;

(4) If any Certified Importer attaches the label of grading to the agricultural and forest product

imported by him or the packaging, container or invoice therefor under the provisions of Article 15-7, Paragraph 1;

(5) If any Foreign Manufacturer (meaning any person who manufactures or processes in a foreign country as his business any agricultural and forest product exported to Japan; being the same hereinafter) attaches the label of grading to the agricultural and forest product manufactured or processed by him or the packaging, container or invoice therefor under the provisions of Article 19-3, Paragraph 1 or Article 15, Paragraph 3 quoted in Article 19-5, Paragraph 2;

(6) If any Foreign Production Process Manager (meaning any person who is provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries as controlling or grasping in a foreign country any producers or anyone else's production process of any agricultural and forest product exported to Japan; being the same hereinafter) attaches the label of grading to the agricultural and forest product the production process of which is managed or controlled by him or the packaging, container or invoice therefor under the provisions of Article 19-3, Paragraph 2 or Article 15, Paragraph 3 quoted in Article 19-5, Paragraph 2; or

(7) If any Foreign Subdivider (meaning any person who subdivides in a foreign country as his business any agricultural and forest product exported to Japan (including any person who subdivides and sells by himself the same as his business); being the same hereinafter) attaches the label of grading to the agricultural and forest product after subdivided or the packaging, container or invoice therefor under the provisions of Article 19-3-2.

2. Unless any organization of the Ministry of Agriculture, Forestry and Fisheries, Prefecture, Registered Grading Organization or Registered Foreign Grading Organization has carried out the grading under the provisions of Article 14, Paragraph 1 or Article 19-2-2, it must not attach the label of grading to any agricultural and forest product or the packaging, container or invoice therefor.

3. Anyone must not attach any label confusing with the label of grading to any agricultural and forest product or the packaging, container or invoice therefor.

(Restriction on Re-using Packaging Materials, etc.)

Article 19 Any packaging material or container to which the label of grading has been attached must not be used again as a packaging material or container for any agricultural and forest product unless and until such label of grading has been removed or erased.

(Order for Improvement, etc.)

Article 19-2 If the grading carried out by any Registered Grading Organization under the provisions of Article 14, Paragraph 1 (including the labelling of grading), the grading carried out by any Certified Manufacturer or Certified Production Process Manager under the provisions of Article 15, Paragraph 1 or 2 (including the labelling of grading carried out by any Certified Manufacturer or Certified Production Process Manager under the provisions of Paragraphs 1 to 3 of the said Article), the labelling of grading carried out by any Certified Subdivider under the provisions of Article 15-6, Paragraph 1 or the labelling of grading carried out by any Certified Importer under the provisions of Article 15-7, Paragraph 1 is judged to be inappropriate by the Minister of Agriculture, Forestry and Fisheries, he may order such Registered Grading Organization, Certified Manufacturer or Certified Production Process Manager, or Certified Subdivider or Certified Importer to improve the same or order him to remove or erase the label of grading within a certain time period therefor specified.

## Section 5 Foreign Grading

(Grading by Registered Foreign Grading Organization)

Article 19-2-2 If any Registered Foreign Grading Organization has carried out in a foreign country the grading of any agricultural and forest product in accordance with the Japanese

Agricultural Standard, it may attach the label of grading to such agricultural and forest product or the packaging, container or invoice therefor.

(Grading by Foreign Manufacturer, etc.)

Article 19-3 Any Foreign Manufacturer may, for any agricultural and forest product manufactured or processed by him, carry out the grading in accordance with the Japanese Agricultural Standard and attach the label of grading to such agricultural and forest product or the packaging, container or invoice therefor, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries, the Registered Certification Organization or the Registered Foreign Certification Organization as to the respective factory or place of business located in a foreign country and respective category of the agricultural and forest product.

2. Any Foreign Production Process Manager may, for any agricultural and forest product covered by the certification concerned the production process of which is managed or controlled by him, carry out the grading in accordance with the Japanese Agricultural Standard and attach the label of grading (limited to that concerning the standard mentioned in Article 2, Paragraph 3, Item (2)) to such agricultural and forest product or the packaging, container or invoice therefor, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries, the Registered Certification Organization or the Registered Foreign Certification Organization as to the respective field or place of business located in a foreign country and respective category of the agricultural and forest product.

(Labelling of Grading by Foreign Subdivider)

Article 19-3-2 Any foreign Subdivider may, for any agricultural and forest product covered by the certification concerned to which the label of grading has been attached, attach or the packaging, container or invoice therefor the same label of grading as has been attached to such agricultural and forest products before subdivided to such agricultural and forest products after subdivided or the packaging, container or invoice therefor as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries, the Registered Certification Organization or the Registered Foreign Certification Organization as to the respective place of business located in a foreign country and respective category of the agricultural and forest product.

(Prohibition of the Labelling of Grading)

Article 19-4 Any Registered Foreign Grading Organization, foreign manufacturer certified under Article 19-3, Paragraph 1 (hereinafter called the "Certified Foreign Manufacturer"), foreign production process manager certified under Paragraph 2 of the said Article (hereinafter called the "Certified Foreign Production Process Manager") or foreign subdivider certified under the preceding Article (hereinafter called the "Certified Foreign Subdivider") must not attach the label of grading or any label confusing therewith to any agricultural and forest product exported to Japan or the packaging, container or invoice therefor, except in the cases mentioned in Article 18, Paragraph 1, Items (5) to (7).

(Quote)

Article 19-5 The provisions of Article 14, Paragraphs 2 and 4 shall quote the grading under Article 19-2-2.

2. The provisions of Article 14, Paragraph 2 and Article 15, Paragraphs 3 to 5 shall quote the Certified Foreign Manufacturer or Certified Foreign Production Process Manager. In this case, "the preceding two Paragraphs" appearing in the said Article, Paragraph 3 shall be read "Article 19-

3".

3. The provisions of Article 15, Paragraphs 6 to 8 shall quote the certification under Article 19-3 or Article 19-3-2. In this case, "Registered Certification Organization" appearing in the said Paragraph shall be read "Registered Certification Organization or Registered Foreign Certification Organization".

4. The provisions of Articles 15-2 to 15-4, Article 19 and Article 19-2 shall quote the Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider. In this case, "again" "agricultural and forest product" appearing in Article 19 shall be read "again" "agricultural and forest product exported to Japan"; "carried out by any Certified Manufacturer or Certified Production Process Manager" "under Article 15, Paragraph 1 or 2" appearing in Article 19-2 shall be read "carried out by any Certified Foreign Manufacturer or Certified Production Process Manager" "Article 19-3"; "carried out by Certified Manufacturer or Certified Production Process Manager" "the said Article, Paragraphs 1 to 3" appearing therein shall be read "carried out by any Certified Foreign Manufacturer or Certified Foreign Production Process Manager" "under Article 15, Paragraph 3 quoted in the said Article or Article 19-5, Paragraph 2"; "carried out by any Certified Subdivider" "under Article 15-6, Paragraph 1" appearing therein shall be read "carried out by any Foreign Subdivider" "under Article 19-3-2" and "order" appearing therein shall be read "demand".

(Proclamation of Foreign Manufacturer, etc.)

Article 19-5-2 If the Minister of Agriculture, Forestry and Fisheries has carried out the certification under Article 19-3 or Article 19-3-2, has received the notification under Article 15-2, Paragraph 3 or Article 15-3 quoted in Paragraph 4 of the preceding Article or has received the report under the provisions of Article 17-7 quoted in Article 19-6-4, Paragraph 2, he must proclaim without delay the matters provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, such as the personal name or name of the Foreign Manufacturer, Foreign Production Process Manager or Foreign Subdivider covered by such certification, notification or report.

(Cancellation of the Certification related to Foreign Manufacturer, etc.)

Article 19-6 The Minister of Agriculture, Forestry and Fisheries may cancel the certification under Article 19-3 or Article 19-3-2 in the following cases:

(1) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has violated the provisions of Article 18, Paragraph 1 or 3, Article 19 (including the cases where quoted in Article 19-5, Paragraph 4) or Article 19-4;

(2) If any Certified Foreign Manufacturer or Certified Foreign Production Process Manager has violated the provisions of Article 15, Paragraph 4 or 5 quoted in Article 19-5, Paragraph 2;

(3) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has become not conforming to the technical standard under Article 15, Paragraph 6 quoted in Article 19-5, Paragraph 3;

(4) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has not made the notification under Article 15-2, Paragraph 3 or Article 15-3 quoted in Article 19-5, Paragraph 4;

(5) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has not complied with the demand under Article 19-2 quoted in Article 19-5, Paragraph 4;

(6) If, in case where the Minister of Agriculture, Forestry and Fisheries demanded a necessary report from any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider concerning its grading (including the the labelling of grading; being the same hereinafter in this Paragraph) to the extent necessary for the enforcement of this Law, such report has not been made or any false report has been made;

(7) If, in case where the Minister of Agriculture, Forestry and Fisheries sought to have his staff inspect the status of grading or the agricultural and forest product exported to Japan, material thereof, books, documents or other physical articles at the factory, field, shop, office, place of business, warehouse or any other place of any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider to the extent necessary for the enforcement of this Law, such inspection has been refused, impeded or challenged;

(8) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has obtained the certification under Article 19-3 or Article 19-3-2 by improper means; or

(9) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider does not bear the costs and expenses under the provision of the next Paragraph.

2. The costs and expenses (limited to those provided by a Government Ordinance) incurred for the inspection under the preceding Paragraph, Item (7) shall be borne by the Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider which undergoes such inspection.

3. If the Minister of Agriculture, Forestry and Fisheries has made the cancellation of any certification under Paragraph 1, he must so proclaim without delay.

4. The provisions of Article 15-5, Paragraphs 2 and 3 shall quote the hearing concerning the disposition under the provisions of Paragraph 1.

## Section 6 Registered Foreign Grading Organization

(Registration of Registered Foreign Grading Organization)

Article 19-6-2 Any corporation who seeks to obtain the registration of a Registered Foreign Grading Organization (limited to anyone who seeks to carry out the grading under Article 19-2-2 by his place of business located in a foreign country (limited to those provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries as the countries having a grading system judged to be at a level equivalent to that of the grading system in accordance with the Japanese Agricultural Standard concerning agricultural and forest products; being the same in Article 19-6-4, Paragraph 1)) must make an application for the registration to the Minister of Agriculture, Forestry and Fisheries pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by paying a fee therefor in such an amount as shall be fixed by a Government Ordinance taking account of actual costs and expenses, as to the respective kind of agricultural and forest product.

2. The provisions of Article 16, Paragraphs 2 to 7, Articles 16-2 to 17-3 and Article 19-2 shall quote the Registered Foreign Grading Organizations. In this case, "order" appearing in Article 17-2, Paragraph 3 shall be read "demand"; "carried out by any Registered Grading Organization" "under Article 14, Paragraph 1" appearing in Article 19-2 shall be read "carried out by any Registered Foreign Grading Organization" "under Article 19-2-2" and "order" appearing therein shall be read "demand".

(Cancellation of the Registration of Registered Foreign Grading Organization, etc.)

Article 19-6-3 If any Registered Foreign Grading Organization falls under any one of the Items of Article 16, Paragraph 3 quote in the preceding Article, Paragraph 2, the Minister of Agriculture, Forestry and Fisheries must cancel the registration thereof.

2. If any Registered Foreign Grading Organization falls under any one of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel the registration thereof or demand the suspension of the grading carried out in accordance with the Japanese Agricultural Standard by specifying a time period not to exceed one year:

- (1) If it has become not conforming to any of the requirements mentioned in the Items of Article 16, Paragraph 2; quoted in the preceding Article, Paragraph 2.
  - (2) If it has carried out the grading in accordance with the Japanese Agricultural Standard not pursuant to the Grading Business Rules authorized under Article 17-2, Paragraph 1 quoted in the preceding Article, Paragraph 2;
  - (3) If, in case where the Minister of Agriculture, Forestry and Fisheries demanded a necessary report from any Registered Foreign Grading Organization concerning its grading work to the extent necessary for the enforcement of this Law, such report has not been made or any false report has been made;
  - (4) If, in case where the Minister of Agriculture, Forestry and Fisheries sought to have his staff inspect the status of grading work or books, documents or other physical articles at the office, place of business, warehouse or any other place of any Registered Foreign Grading Organization to the extent necessary for the enforcement of this Law, such inspection has been refused, impeded or challenged;
  - (5) If it has obtained by improper means the registration under Article 16, Paragraph 2 quoted in the preceding Article, Paragraph 2;
  - (6) If it has violated the provision of this Law or any order under this Law or has not complied with any demand under such provision; or
  - (7) If it does not bear the costs and expenses under the provision of Paragraph 4.
3. Other than the cases provided in the preceding two Paragraphs, if any Registered Foreign Grading Organization does not start, without any due reason, its grading business for the agricultural and forest product covered by the registration after one year has passed from the date of registration or suspends such grading business continuously for one year or longer, the Minister of Agriculture, Forestry and Fisheries may cancel such registration.
4. The costs and expenses (limited to those provided by a Government Ordinance) incurred for the inspection under Paragraph 2, Item (4) shall be borne by the Registered Foreign Grading Organization which undergoes such inspection.
5. If the Minister of Agriculture, Forestry and Fisheries has made the disposition under the provisions of Paragraphs 1 to 3, he must so proclaim without delay.
6. The provisions of Article 15-5, Paragraph 2 shall quote the hearing concerning the cancellation of registration under the provisions of Paragraphs 1 to 3

## Section 7 Registered Foreign Certification Organization

Article 19-6-4 Any corporation who seeks to obtain the registration of a Registered Foreign Certification Organization (limited to anyone who seeks to carry out by his place of business located in a foreign country the certification under Article 19-3 or Article 19-3-2 (hereinafter in this Section simply called "certification")) must make an application for the registration to the Minister of Agriculture, Forestry and Fisheries pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by paying a fee therefor in such an amount as shall be fixed by a Government Ordinance taking account of actual costs and expenses, as to the respective class provided by the said Ministerial Ordinance.

2. The provisions of Article 16, Paragraphs 2 to 7, Articles 16-2 to 17-3, Article 17-7 and the preceding Article shall quote the Registered Foreign Certification Organization. In this case, "the machines, tools and other equipment to be used for the grading of the agricultural and forest product" "the qualification and number of those who are to be engaged in such grading" "therefor" appearing in Article 16, Paragraph 2, Item (1) shall be read "the qualification and number of those who are to be engaged in certification work and the matters concerning the management of certification work" ; "Article 17-4, Paragraphs 1 to 3 or Article 19-6-3, Paragraphs 1 to 3" appearing in Items (2) and (3) of the said Article, Paragraph 3 shall be read "Article 17-4, Paragraphs 1 to 3

quoted in Article 17-6, Paragraph 2 or Article 19-6-3, Paragraphs 1 to 3 quoted in Article 19-6-4, Paragraph 2"; "Paragraph 4, Item (2) or (4)" appearing in the said Article, Paragraph 6 shall be read "Article 16, Paragraph 4, Items (2) to (4) quoted in Article 19-6-4, Paragraph 2" and "order" appearing in Article 17-2, Paragraph 3 shall be read "demand".

## Section 8 Import of Agricultural and Forest Products Bearing the Label of Grading, etc.

(Import of Agricultural and Forest Products Bearing the Label of Grading)

Article 19-7 Any importer of agricultural and forest products must not transfer, consign for transfer or display for transfer any agricultural and forest product to which the label of grading or any label confusing therewith (including such agricultural and forest product if such label is attached to the packaging, container or invoice therefor; being the same hereinafter in this Article) which is imported by him, except in the following cases:

- (1) If such label has been attached by any Registered Foreign Grading Organization to the agricultural and forest product covered by its registration;
- (2) If such label has been attached by any Certified Foreign Manufacturer to the agricultural and forest product covered by its certification;
- (3) If such label has been attached by any Certification Foreign Production Process Manager to the agricultural and forest product covered by its certification; or
- (4) If such label has been attached by any Certified Foreign Subdivider to the agricultural and forest product covered by its certification.

(Removal of Label, etc.)

Article 19-7-2 If there has occurred any reason provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries as a reason certain to become not conforming to the Japanese Agricultural Standard concerned in any agricultural and forest product possessed by any producer or seller of agricultural and forest products (limited to any agricultural and forest product for which the Japanese Agricultural Standard concerning the standard mentioned in Article 2, Paragraph 3, Item (2) has been established) to which the label of grading has been attached (including such agricultural and forest products if such label has been attached to the packaging, container or invoice therefor), such producer or seller must remove or erase such label without delay.

## Chapter 5 Proper Labeling of Quality, etc.

(Labeling Standard to be complied with by Manufacturers, etc.)

Article 19-8 For the purposes of achieving proper labeling concerning the quality of beverages and foods and helping general consumers choice, the Minister of Agriculture, Forestry and Fisheries must provide the standard to be observed by the manufacturers or sellers concerning necessary ones of the matters mentioned in the following, as to the respective classes to be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, as regards the labeling concerning the quality of beverages and foods out of agricultural and forest products (except those which are judged to be characteristic in the production method thereof and thereby expected to enhance the value thereof):

- (1) Name, ingredients, storage method, place of origin and any other matters to be indicated; and
  - (2) Method of labelling and any other matter to be complied with by manufacturers or sellers in labelling the matters mentioned in the preceding Item.
2. Other than those provided in the standard under the preceding Paragraph, if the Minister of

Agriculture, Forestry and Fisheries judges it especially necessary for achieving proper labeling concerning the quality of drinks and foods, he may provide standard to be complied with by the manufacturers or sellers as to the respective kinds of the matters mentioned in the Items of the said Paragraph thereof, concerning the labelling of the quality of beverages and foods provided in the said Paragraph.

3. With respect to such agricultural and forest products other than beverages and foods (except those which are judged to be characteristic in the production method thereof and thereby expected to enhance the value thereof) as may be specified by a Government Ordinance as the ones for which it is necessary to achieve proper labeling concerning the quality thereof out of those for which it is judged to be necessary for general consumers to identify the quality thereof in buying the same, the Minister of Agriculture, Forestry and Fisheries must, promptly after such specification has been made, provide the standard to be complied with by the manufacturers and sellers.

4. If the Minister of Agriculture, Forestry and Fisheries has provided the labeling standard concerning the quality under the provisions of the preceding three Paragraphs, he must proclaim it without delay.

5. If the Minister of agriculture, Forestry and Fisheries intends to provide the labeling standard concerning the quality under the provisions of Paragraphs 1 to 3, he must hear the opinion of the Research Committee in advance.

6. The provisions of Article 7, Paragraph 2 and Article 13, Paragraphs 1, 4 and 5 shall quote the cases mentioned in Paragraphs mentioned in Paragraphs 1 to 3, and the provisions of Paragraphs 2 to 5 of the said Article shall quote the labeling standard concerning quality provided under the provisions of Paragraph 1 to 3. In this case, "bring the matter of amendment to the deliberation of the Research Committee" appearing in Article 13, Paragraph 4 shall be read as "so amend".

(Direction concerning Labeling, etc.)

Article 19-9 If there is any manufacturer or seller who does not indicate the matters mentioned in Paragraph 1, Item (1) of the preceding Article provided under the provision of Paragraph 1 or 2 of the said Article (hereinafter called the "labelling matters") or does not comply with the matters mentioned in Paragraph 1, Item (2) of the preceding Article provided under the provision of Paragraph 1 or 2 of the said Article (hereinafter called the "compliance matters"), the Minister of Agriculture, Forestry and Fisheries may direct such manufacturer or seller to indicate the labelling matters or comply with the compliance matters.

2. If there is any manufacturer or seller who does not comply with the labeling standard concerning quality provided under the provisions of Paragraph 3 of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may direct such manufacturer or seller to direct to comply with such standard.

3. If there is any manufacturer or seller who does not comply with the direction under the preceding two Paragraphs, the Minister of Agriculture, Forestry and Fisheries may publicly announce the name of the manufacturer or the seller with the facts of incompliance.

4. If anyone who was directed as provided in Paragraph 1 or 2 does not take the measures contained in the direction without any due reason even after it is publicly announced he has not complied with the direction under the provision of the preceding Paragraph, the Minister of Agriculture, Forestry and Fisheries may order him to take such measures contained in the direction.

(Indication of Name concerning Specified Agricultural and Forest Products)

Article 19-10 With regard to any agricultural and forest products for which the Japanese Agricultural Standard has been established concerning the standard mentioned in Article 2, Paragraph 3, Item (2) that are specified by a Government Ordinance as the ones for which it is especially necessary to achieve proper labeling of name because the name provided in such Japanese Agricultural Standard is being used also for any other agricultural and forest products produced by a method other than that provided by such Japanese Agricultural Standard and if left as

it is, this would likely cause grave hindrance to general consumers choice (hereinafter called the "specified agricultural and forest products"), any person must not indicate the name provided by such Japanese Agricultural Standard or any name confusing therewith on any such specified agricultural and forest product or the packaging, container or invoice therefor if the label of grading under such Japanese Agricultural Standard has not been attached to such specified agricultural and forest product or the packaging, container or invoice therefor.

2. Any person must not indicate on any agricultural and forest product other than the specified agricultural and forest products the name provided by the Japanese Agricultural Standard for any specified agricultural and forest product concerned or any indication confusing therewith.

3. Any importer of any agricultural and forest product must not sell, consign for sale nor display for sale any agricultural and forest product imported by him for which the label of grading under the Japanese Agricultural Standard for the specified agricultural and forest products has not been attached to itself or the packaging, container or invoice therefor and the indication of name under such Japanese Agricultural Standard or any indication confusing therewith has been attached (including such agricultural and forest product if such label has been attached to the packaging, container or invoice therefor).

(Order for Removal of the Label of Denomination, etc.)

Article 19-11 The Minister of Agriculture, Forestry and Fisheries may order any person who has violated the provisions of the preceding Article to remove or erase the indication of name provided by the Japanese Agricultural Standard for the specified agricultural and forest products or any indication confusing therewith or prohibit him from selling, consigning for sale or displaying for sale the specified agricultural and forest product.

## Chapter 6 Miscellaneous Provisions

(Report and On-Site Inspection)

Article 20 The Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of this Law, demand necessary report concerning the grading or certification work from any Prefecture, Registered Grading Organization or Registered Certification Organization or may have his staff enter the office, place of business or warehouse of any Registered Grading Organization or Registered Certification Organization to inspect the status of work or books, documents and any other physical articles thereof.

2. The Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of this Law, demand necessary report concerning the grading (including the label of grading; being the same hereinafter in this Paragraph), quality labeling or the label of denomination concerning the specified agricultural and forest products from any Certified Manufacturer or Certified Production Process Manager, Certified Subdivider, Certified Importer, manufacturer, seller or importer of any agricultural and forest product for which the labeling standard concerning quality has been provided under the provisions of Article 19-8, Paragraphs 1 to 3, or may have his staff enter the field, shop, office, place of business, warehouse or any other place thereof to inspect the status of grading, quality labeling or the label of denomination of the specified agricultural and forest product or the agricultural and forest products, materials thereof, books, documents and any other articles.

3. Any staff who carry out the on-site inspection under the provisions of the preceding two Paragraphs must bear their label certificate and show the same to any interested person.

4. The authority to carry out the on-site inspection under the provisions of Paragraph 1 or 2 may not be construed to be granted to make criminal investigation.

(Requests to the Ministry of Agriculture, Forestry and Fisheries)

Article 21 In any of the following cases, any person may request that any appropriate

measures should be taken to the Minister of Agriculture, Forestry and Fisheries according to the procedures provided in its Ministerial Ordinance :

(1) If such person considers that any agricultural and forest product to which the label of grading has been attached is not conforming to the Japanese Agricultural Standard; or

(2) If he considers that the interest of general consumers is affected because the quality labeling of any agricultural and forest product or the label of denomination of any specified agricultural and forest product is not proper.

2. If the requests provided in the preceding Paragraph has been made, the Minister of Agriculture, Forestry and Fisheries must make necessary investigation and if he judges that the contents of such proposition are true, take the measures provided in Article 19-2 (including the cases where the same is quoted in Article 19-5, Paragraph 4) and Articles 19-8 to Article 19-11 and any other appropriate measures.

(Application for Review of the Disposition of Registered Certification Organizations, etc.)

Article 21-2 Any person who has any complaint concerning the disposition or omission of act by any Registered Certification Organization under the provisions of this Law may make an application for review under the Administrative Appeal Law (Law No. 160 of 1962) to the Minister of Agriculture, Forestry and Fisheries.

(Application of the Food Sanitation Law, etc.)

Article 22 The provisions of this Law may not be construed as excluding the application of the Sanitation Law (Law No. 233 of 1947) or the Law for Preventing Unjustifiable Gifts and Misleading Representations (Law No. 134 of 1962).

(Affairs Dealt with by Prefecture, etc.)

Article 23 Part of the affairs belonging to the authority of the Minister of Agriculture, Forestry and Fisheries provided in this Law may be made to be dealt with by the governors of Prefectures as provided by a Government Ordinance.

2. The authority of the Minister of Agriculture, Forestry and Fisheries provided in this Law may be delegated in part to the chiefs of local administrative branch offices as provided by a Government Ordinance.

## Chapter 7 Penalties

Article 24 Any person who falls under any one of the following Items shall be sentenced to imprisonment with hard working for a period not to exceed one year or a fine not to exceed one million yen (¥1,000,000).

(1) Any person who has violated the provisions of Article 11;

(2) Any person who has violated the provisions of Article 15, Paragraph 4 or 5

(3) Any person who has violated the provisions of Article 18, Paragraph 1 or 3

(4) Any person who has violated the provisions of Article 19

(5) Any Certified Foreign Manufacturer or Certified Foreign Production Process Manager who has violated in Japan the provisions of Article 15, Paragraph 4 or 5 quoted in Article 19-5, Paragraph 2;

(6) Any person who has violated the provisions of Article 19-7; or

(7) Any person who has violated the provisions of Article 19-7-2.

Article 24-2 If there has occurred any violation mentioned in the following Items, the representative, agent, employee or any other hired person of the Registered Grading Organization

which has done such conduct shall be sentenced to imprisonment with hard working for a period not to exceed one year or a fine not to exceed one million yen (¥1,000,000):

- (1) If it has violated the provisions of Article 12; or
- (2) If it has violated the provisions of Article 18, Paragraph 2.

Article 24-2-2 Any person who has divulged any secret which has come to his knowledge or used the same for his interest in violation of the provisions of Article 17-8, Paragraph 1 shall be sentenced to imprisonment with hard working for a period not to exceed one year or a fine not to exceed five hundred thousand yen (¥500,000):

Article 24-3 Any person who falls under any one of the following Item shall be sentenced to a fine not to exceed five hundred thousand yen (¥500,000):

- (1) Any person who has violated the provisions of Article 17-5, Paragraph 1 or Article 17-9, Paragraph 1;
- (2) Any person who has violated the order to remove or erase the label of grading under the provisions of Article 19-2;
- (3) Any person who has violated the order under the provisions of Article 19-9, Paragraph 4;
- (4) Any person who has violated the disposition under the provisions of Article 19-11; or
- (5) Any person who has not made the report under Article 20, Paragraph 2 or has made any false report, or has refused, impeded or challenged the inspection under the provisions of the said Paragraph;

Article 24-4 If there has occurred any violation mentioned in the following Items, the representative, agent, employee or any other hired person of the Registered Grading Organization or Registered Certification Organization which has done such conduct shall be sentenced to a fine not to exceed five hundred thousand yen (¥500,000);

- (1) If it has not made the notification under the provisions of Article 16, Paragraph 6 (including the cases where the same is quoted in Article 17-6, Paragraph 2 apply) or has made any false notification;
- (2) If it has violated the provisions of Article 17-5, Paragraph 2 or Article 17-9, Paragraph 2;
- (3) If it has not made the entry into its books under the provisions of Article 17-3 (including the cases where the same is quoted in Article 17-6, Paragraph 2) or has made any false entry, or has not have the custody of the books; or
- (4) If it has not made the report under the provisions of Article 20, Paragraph 1 or has made any false report, or has refused, impeded or challenged the inspection under the provisions of the said Paragraph.

Article 25 If the representative or manager of any corporation (including any unincorporated association or foundation which has a rule for representative or manager; being the same hereinafter in this Paragraph ) or the agent, employee or any other hired person of any corporation or natural person has done any conduct in violation of Article 24, Article 24-2, Article 24-3 or Article 24-4 relating to the work of such corporation or natural person, such corporation or natural person shall be punished with the fine under the respective Article in addition to the one who has done the conduct being punished.

2. If the provisions of the preceding Paragraph are applied to any unincorporated association or foundation, the representative or manager thereof shall represent such unincorporated association or foundation in the act of procedure thereof, and further the provisions of the laws concerning criminal procedures in cases where a corporation is made the defendant or accused shall quote.

Article 26 Any person who has not made the notification under the provisions of Article 15-2, Paragraph 3 or Article 15-3 (including the cases where these provisions are quoted in Article 15-6, Paragraph 2 or Article 15-7, Paragraph 4) or has made a false notification shall be disposed to non-penal fine not to exceed one hundred thousand yen (¥100,000).

## Supplementary Provisions

### (Date of Enforcement)

Article 1 This Law shall come into force on the day to be provided by a Government Ordinance that shall fall within one year counted from the promulgation date, provided that the provisions of the next Article and Article 6, Paragraphs 1 and 2 of these Supplementary Provisions shall come into force on the promulgation date.

### (Pre-Enforcement Preparation for the Provisions concerning the Japanese Agricultural Standard)

Article 2 If the Minister of Agriculture, Forestry and Fisheries intends to establish, amend or abolish the Japanese Agricultural Standard, he shall follow the procedure of the provisions of Article 2, Paragraph 4, Articles 7 to 9, Article 10, Paragraph 1 and Article 13 of The Law concerning Standardization and Proper Quality Labeling of Agricultural and Forestry Products as amended by this Law (hereinafter called the "New Law")

2. The Japanese Agricultural Standard as established or amended by the provisions of the preceding Paragraph shall be deemed to have been established on the day this Law has been enforced (hereinafter called the "Enforcement Date") under the provisions of Article 7, Paragraph 1 of the New Law or amended under the provisions of Article 7, Paragraph 1 of the New Law quoted in Article 9 of the New Law.

### (Interim Measures concerning the Japanese Agricultural Standard)

Article 3 The Japanese Agricultural Standard that has actually been established when this Law is enforced under the provisions of Article 7 of the Law Concerning Standardization and Proper Quality Labeling of Agricultural and Forestry Products as not amended yet by this Law (hereinafter called the "Old Law") shall be deemed to have been confirmed on the Enforcement Date under the provisions of Article 7 of the New Law quoted in Article 9 of the New Law.

### (Interim Measures concerning Manufacturers of Agricultural and Forest Products)

Article 4 As for any manufacturer or production process manager (except anyone who has obtained the certification under Article 15, Paragraph 1 or 2 of the New Law; being the same hereinafter in this Article) actually doing part of grading work when this Law is enforced under the provisions of Article 14, Paragraph 3 or 4 of the Old Law, the provisions of Article 14, Paragraphs 3 and 4, Article 15, Article 15-2, Article 19-2 and Article 20, Paragraph 2 (including penalties concerning these provisions) shall be still valid for three (3) years from the Enforcement Date. In this case, necessary technical reading shall be provided by a Government Ordinance.

2. As for any subdivider who is actually able to attach the label of grading when this Law is enforced under the provisions of Article 17-4, Paragraph 1 (except anyone who has obtained the certification under Article 15-6, Paragraph 1 of the New Law; being the same hereinafter in this Article), the provisions of Article 17-4, Article 19-2 and Article 20, Paragraph 2 of the Old Law shall be still valid for one year from the Enforcement Date. In this case, necessary technical reading shall be provided by a Government Ordinance.

3. As for any foreign manufacturer or production process manager who is actually doing part of grading work when this Law is enforced under the provisions of Article 19-3, Paragraph 1 or 2 of

the Old Law (except anyone who has obtained the certification under Article 19-3 of the New Law; being the same hereinafter in this Article), the provisions of Article 19-3, Paragraphs 1 to 3 and Articles 19-4 to Article 19-6 (including the penalties concerning these provisions) shall be still valid for three (3) years from the Enforcement Date. In this case, necessary technical reading shall be provided by a Government Ordinance.

4. As for any foreign subdivider who is actually able to attach the label of grading when this Law is enforced under the provisions of Article 19-3-2, Paragraph (except anyone who has obtained the certification under Article 19-3-2 of the New Law; being the same hereinafter in this Article), the provisions of Article 19-3-2, Paragraph 1 and Articles 19-4 to 19-6 of the Old Law shall be still valid for one year counted from the Enforcement Date. In this case, necessary technical reading shall be provided by a Government Ordinance.

5. As regards the application of the provisions of Article 18, Paragraph 1 of the New Law to any manufacturer and production process manager of agricultural and forest products under Paragraph 1, subdivider of agricultural and forest products under Paragraph 2, foreign manufacturer and foreign production process manager under Paragraph 3, and foreign subdivider under the preceding Paragraph, "Certified Manufacturer" "Article 15, Paragraph 1 or 3" appearing in Item (1) of the said Paragraph, shall be read manufacturer of agricultural and forest product Article 14, Paragraph 3 or Article 15, Paragraph 1 of the Law Concerning Standardization and Proper Quality Labeling of Agricultural and Forestry Products as not yet amended by the Amendment Law (hereinafter called "the old Law") made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 1 of the Law Partially Amending the Law Concerning Standardization and Proper Quality Labeling of Agricultural and Forest Products (Law No. 108 of 1999) (herein called the "Amendment Law"); "Certified Production Process Manager" "Article 15, Paragraph 2 or 3" appearing in Item (2) of the said Paragraph shall be read "production process manager of the agricultural and forest products" "Article 14, Paragraph 4 or Article 15, Paragraph 1 of the Old Law made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 1 of the Amendment Law"; "Certified Subdivider" "Article 15-6, Paragraph 1" appearing in Item (3) of the said Paragraph shall be read "subdivider of agricultural and forest product" "Article 17-4, Paragraph 1 of the Old Law made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 2 of the Amendment Law"; "Article 15, Paragraph 3 quoted in Article 19-3, Paragraph 1 or Article 19-5, Paragraph 2" appearing in Item (5) of the said Paragraph shall be read "Article 19-3, Paragraph 1 or 3 of the Old Law made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 3 of the Amendment Law"; "Article 15, Paragraph 3 quoted in Article 19-3, Paragraph 2 or Article 19-5, Paragraph 2" appearing in Item (6) of the said Paragraph shall be read "Article 19-3, Paragraph 2 or 3 of the Old Law made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 3 of the Amendment Law"; and "Article 19-3-2", appearing in Item (7) of the said Paragraph shall be read "Article 19-3-2, Paragraph 1 of the Old Law made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 4 of the Amendment Law"

6. As regards the application of the provisions of Article 19-7 of the New Law to any foreign manufacturer and foreign production process manager under Paragraph 3 and foreign subdivider under Paragraph 4, "by any Certified Foreign Manufacturer" "its" appearing in Item (2) of the said Article shall be read "by any foreign manufacturer who is able to attach the label of grading under Article 19-3, Paragraph 1 or 3 of the Law Concerning Standardization and Proper Quality Labeling of Agricultural and Forest Products as not yet amended by the Amendment Law (hereinafter called "the old Law") made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 3 of the Law Partially Amending the Law Concerning Standardization and Proper Quality Labeling of Agricultural and Forest Products (Law No. 108 of 1999) (herein called the "Amendment Law"))" "the approval under Paragraph 1 of the said Article" "under Paragraph 3 of the said Article and by any Certified Foreign Production Process Manager" "its" appearing in Item

(3) of the said Article shall be read "by any foreign production process manager who is able to attach the label of grading under the provisions of Article 19-3, Paragraph 2 or 3 of the Old Law made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 3 of the Amendment Law" "the approval under Paragraph 1 of the said Article" "under Paragraph 3 of the said Article"; and "by any Certified Foreign Subdivider" "its certification" appearing in Item (4) of the said Article shall be read "by any foreign subdivider who is able to attach the label of grading under the provisions of Article 19-3-2, Paragraph 1 of the Old Law made still valid under the provisions of the Supplementary Provisions Article 4, Paragraph 4 of the Amendment Law" "approval under the said Paragraph".

(Interim Measures concerning Registered Grading Organization)

Article 5 Any corporation which has the registration of the Minister of Agriculture, Forestry and Fisheries under the provisions of Article 16, Paragraph 2 of the Old Law when this Law is enforced shall be deemed a Registered Grading Organization which has obtained the registration of the Minister of Agriculture, Forestry and Fisheries under the provisions of Article 16, Paragraph 2 of the New Law.

2. Any corporation which has been deemed to be a Registered Grading Organization under the provisions of the preceding Paragraph must make an application for authorization under Article 14, Paragraph 4 and Article 17-2, Paragraph 1 of the New Law within three (3) months from the Enforcement Date.

3. Any corporation mentioned in the preceding Paragraph may carry out the grading under Article 14, Paragraph 1 of the New Law on the previous conditions during the time from the Enforcement Date till it receives any disposition concerning the authorization based on its application under the said Paragraph.

4. The cancellation of registration and the order of suspension of the grading carried out in accordance with the Japanese Agricultural Standard concerning any corporation which has been deemed to be a Registered Grading Organization under the provisions of Paragraph 1 shall still follow the previous procedure for one year counted from the Enforcement Date, irrespective of the provisions of Article 17-4, Paragraphs 1 to 3.

(Pre-Enforcement Preparation of Provisions concerning Labeling Standard for Quality)

Article 6 The Minister of Agriculture, Forestry and Fisheries may, even before this Law is enforced, provide labeling standard for quality and proclaim the same concerning the drinks and foods provided in Article 19-8, Paragraph 1 of the New Law, by following the procedure of the provisions of the said Paragraph and Paragraphs 2 and 4 to 6 of the said Article.

2. The labeling standard for quality provided under the provisions of the preceding Paragraph shall be deemed to have been provided on the Enforcement Date under the provisions of Article 19-8, Paragraph 1 or 2 of the New Law.

3. If there have not been enforced any labeling standard for quality of the drinks and foods provided in Article 19-8, Paragraph 1 of the New Law, any labeling standard for quality concerning such drinks and foods that have been actually provided when this Law is enforced under the provisions of Article 19-8, Paragraph 1 of the Old Law shall be still valid.

4. The disposition of any manufacturer or seller who does not comply with the labeling standard for quality which are deemed to be still valid under the provisions of the preceding Paragraph shall still follow the previous provision.

(Interim Measures concerning Labeling Standard for Quality)

Article 7 Any standard which have been actually provided under the provisions of Article 19-8, Paragraph 3 of the Old Law concerning the agricultural and forest products provided in Article 19-8, Paragraph 3 of the New Law when this Law is enforced shall be deemed to be the labeling standard for quality which have been provided under the provisions of Article 19-8, Paragraph 3 of the New

Law.

Article 8 The provisions of Article 19-9, Paragraph 4 of the New Law shall apply to any conduct done after this Law has been enforced and any conduct done before this Law has been enforced shall still follow the previous provisions.

(Interim Measures concerning Other Dispositions, Procedures, etc.)

Article 9 In addition to those provided in Article 2 to the preceding Article of these Supplementary Provisions, any disposition, procedure or other conduct done under the provisions of the Old Law or orders under the Old Law that has any corresponding provision in the provisions of the New Law or orders under the New Law before this Law has been enforced shall be deemed to have been done under the corresponding provision of the New Law or the order under the New Law.

(Interim Measures concerning Penalties)

Article 10 The application of penalties to any conduct done before this law has been enforced shall still follow the previous provisions.

(Delegation of Other Interim Measures to Government Ordinance)

Article 11 Other than those provided in Article 2 to the preceding Article of these Supplementary Provisions, any interim measures necessary for the enforcement of this Law shall be provided by a Government Ordinance.