

Electrical Appliance and Material Safety Law

[Law No.234 of 1961 / Tentative Translation]

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Chapter1 General Provisions

(Purpose)

Article 1

The purpose of this Law shall be to regulate the manufacture, sale, etc. of Electrical Appliances and Materials and to promote voluntary activities by private businesses to ensure the safety of Electrical Appliances and Materials so as to prevent hazards and interference resulting from Electrical Appliances and Materials.

(Definitions)

Article 2

1. “Electrical Appliances and Materials” as used in this law shall be defined as follows:

(1) Parts of electrical facilities for general use (“electrical facilities for general use” as defined in Article 38, Paragraph 1 of the Electricity Utilities Industry Law [Law No. 170 of 1964]) or machines, appliances, or materials used in connection thereto, as stipulated by Cabinet Order;

(2) Portable power generators, as stipulated by Cabinet Order.

2. “Specified Electrical Appliances and Materials” as used in this Law shall refer to such Electrical Appliances and Materials which are especially liable to cause hazards or interference because of structure, methods of use, or other conditions of use, as stipulated by Cabinet Order.

Chapter 2 Report of Business, Etc.

(Report of Business)

Article 3

All persons engaged in the business of manufacturing or importing Electrical Appliances and Materials shall report the following matters to the Minister of Economy, Trade and Industry in accordance with the Electrical Appliance and Material classification as stipulated in the Ministerial Ordinance of Economy, Trade and Industry (hereinafter referred to as "METI Ordinance") within 30 days of commencing such business.

1. Name or trade name, address, and in the case of a juridical person, name of the representative;
2. Classification of the Electrical Appliance and Material product type as stipulated in the METI Ordinance;
3. The name and location of the plant or business site that will manufacture the Electrical Appliances and Materials concerned (in the case of persons engaged in the business of importing Electrical Appliances and Materials, the name or trade name and address of the manufacturer of the Electrical Appliances and Materials concerned).

(Accession)

Article 4

1. When a person who made a report under the provisions of the preceding article (hereinafter, a "Reporting Supplier") assigns the whole business for which he made a report to another party, or in the event that there is a succession, merger or division (limited to the division making a succession of the whole business for which he made a report) involving a Reporting Supplier, the party who acquires the whole business of the Reporting Supplier, the successor (or in the event of multiple successors, one successor who has been selected by the unanimous agreement of all the successors), the juridical person that exists following the merger or is newly established as a result of the merger, or the juridical person that succeeded to the whole business concerned as a result of division shall accede to the position of the Reporting Supplier.

2. A person who accedes to the position of a Reporting Supplier under the provisions of the preceding paragraph shall immediately make a report to the Minister of Economy, Trade and Industry to that effect with documentation establishing the fact.

(Report of Change)

Article 5

In the case of any change in the matters in Article 3, Items 1 through 3, the Reporting Supplier shall immediately report such changes to the Minister of Economy, Trade and Industry. This provision shall not apply, however, in the case of changes in minor details as stipulated in the METI Ordinance.

(Report of Dissolution)

Article 6

When a Reporting Supplier dissolves the business for which the Supplier made a report, the Supplier shall immediately so report to the Minister of Economy, Trade and Industry.

(Provision of Information Relating to Reported Matters)
Article 7

Any person may request that the Minister of Economy, Trade and Industry provide information relating to the matters stipulated in Article 3, Items 1 and 2.

Chapter 3 Conformity Assessment of Electrical Appliances and Materials, Etc.

(Obligation to Comply with Requirements, etc.)
Article 8

1. A Reporting Supplier manufacturing or importing an Electrical Appliance and Material of the product type specified in the report which was made under the provision of Article 3 (hereinafter referred to as “the product type specified in the report”) shall comply with the technical requirements stipulated in the METI Ordinance (hereinafter referred to as “Technical Requirements ”). This provision shall not apply, however, in the following cases:

- (1) When the approval of the Minister of Economy, Trade and Industry has been obtained for manufacture or import of Electrical Appliances and Materials to be used for a specific application.
- (2) Manufacture or import for experimental purposes only.

2. A Reporting Supplier shall conduct testing of the manufactured or imported Electrical Appliances and Materials specified in the preceding paragraph (excluding manufactured or imported Electrical Appliances and Materials to which the provisos of the preceding paragraph apply) in accordance with the METI Ordinance and shall prepare and keep a record of the testing.

(Conformity Assessment of Specified Electrical Appliances and Materials)
Article 9

1. When the Electrical Appliances and Materials in Paragraph 1 of the preceding article relating to manufacture or import (excluding manufactured or imported Electrical Appliances and Materials to which the provisos of that paragraph apply) are Specified Electrical Appliances and Materials, the Reporting Supplier shall have them assessed before sale by a body authorized or approved by the Minister of Economy, Trade and Industry in accordance with the provisions of the following paragraph with respect to either of the following items (hereinafter referred to as “Conformity Assessment”) and shall obtain and keep a certificate as stipulated in that paragraph. This provision shall not apply, however, in the case that the certificate, as stipulated in that paragraph relating to Item 2, for the Specified Electrical Appliance and Material of the same product type as the Specified Electrical Appliance and Material concerned has already been obtained and kept if the period stipulated by Cabinet Order for each Specified Electrical Appliance and Material calculated from the day on which the certificate concerned was obtained has not yet passed, or the documentation stipulated by the METI Ordinance as the equivalent of the certificate as stipulated in that paragraph has been kept.

- (1) The Specified Electrical Appliances and Materials concerned
- (2) The test-use Specified Electrical Appliances and Materials and testing facilities and other matters stipulated by the METI Ordinance located in the Reporting Supplier's factory or business site relating to the Specified Electrical Appliances and Materials concerned.

2. The authorized or approved body stipulated in the preceding paragraph shall conduct assessments of the matters specified in either of the items of that paragraph in accordance with the METI Ordinance, and when they comply with the Technical Requirements and other requirements stipulated by the METI Ordinance relating to the testing facilities and other matters stipulated by the METI Ordinance specified in Item 2 of that paragraph, shall be able to issue to the Reporting Supplier concerned a certificate to that effect in accordance with the METI Ordinance.

(Marking)
Article 10

1. When a Reporting Supplier has performed the Supplier's obligations in accordance with the provisions of Article 8, Paragraph 2 concerning compliance with the Technical Requirements for Electrical Appliances and Materials of the product type specified in the report (in the case of Specified Electrical Appliances and Materials, Article 8, Paragraph 2 and Article 9, Paragraph 1), the Supplier may affix the marks in accordance with the methods stipulated in the METI Ordinance on the Electrical Appliances and Materials concerned.
2. If the Reporting Supplier does not affix the marks in accordance with the provisions of the preceding paragraph on the Electrical Appliance and Material of the product type specified in the report, no person may affix such marks on the Electrical Appliances and Materials as provided for in that paragraph, or any other similar marks.

(Order for Improvement)
Article 11

When the Minister of Economy, Trade and Industry deems that a Reporting Supplier is violating the provisions of Article 8, Paragraph 1, the Minister may order the Reporting Supplier to take such measures necessary to improve manufacture, import, or testing methods of the Electrical Appliances and Materials or methods of performing other work.

(Prohibition of Marking)
Article 12

In the cases specified in each of the following items, the Minister of Economy, Trade and Industry may prohibit a Reporting Supplier from affixing the marks pursuant to the provisions of Article 10, Paragraph 1 on the Electrical Appliance and Material of the product type specified in the report stipulated in each of the following items for a period of one year or less.

- (1) The Electrical Appliance and Material of the product type specified in the report manufactured or imported by the Reporting Supplier does not comply with Technical Requirements (excluding manufactured or imported Electrical Appliances and Materials to which the provisos of Article 8, Paragraph 1 apply) and the Minister of Economy, Trade and Industry deems that there is a particular need to prevent hazards or interference: the product type specified in the report, to which the Electrical Appliance and Material concerned, which does not comply with Technical Requirements, belongs.
- (2) Violation of Article 8, Paragraph 2 or Article 9, Paragraph 1 with respect to the Electrical Appliance and Material of the product type specified in the report manufactured or imported by the Reporting Supplier: the product type specified in the report to which the Electrical Appliance and Material concerned with violating those provisions belongs.
- (3) Violation of an order made under the provisions of the preceding article with respect to the Electrical Appliance and Material of the product type specified in the report manufactured or imported by the Reporting Supplier: the product type specified in the report to which the Electrical Appliance and Material concerned with violating those orders belongs.

Articles 13 to 26. Deleted

Chapter 4 Restriction on Sale, Etc.

(Restriction on Sale)

Article 27

1. No person who engages in the manufacture, import, or sale of Electrical Appliances and Materials shall sell or display for the purpose of sale any Electrical Appliance and Material without affixing the marks specified in Article 10, Paragraph 1.
2. The provisions of the preceding paragraph shall not apply when any of the following cases apply to persons stipulated in that paragraph.
 - (1) In the case of sale or display for the purpose of sale of Electrical Appliances and Materials to be used for specific application, when the approval of the Minister of Economy, Trade and Industry has been obtained.
 - (2) In the case of sale or display for the purpose of sale of Electrical Appliances and Materials for which approval has been obtained as stipulated in Article 8, Paragraph 1, Item 1.

(Restriction on Use)

Article 28

1. No electric utility supply business operator as provided for in the Electricity Utilities Industry Law, Article 2, Paragraph 1, Item 10; no person who installs such electrical facilities for private use as provided for in Article 38, Paragraph 4 of that Law; no Electric Work Specialist as provided for in the Electric Work Specialist Law (Law No. 139 of 1960), Article 2, Paragraph 4; no Electric Work

Specialist for Special Category provided for in Article 3, Paragraph 3, of that law; and no Authorized Electric Work Engineer as provided for in Article 3, Paragraph 4 of that Law shall use any Electrical Appliances and Materials other than those affixed with the marks stipulated in Article 10, Paragraph 1 in installing or modifying electrical facilities provided for in the Electricity Utilities Law, Article 2, Paragraph 1, Item 14.

2. Any person who engages in the business of manufacture of such products as specified by Cabinet Order, which products employ the Electrical Appliances and Materials as parts or accessories, shall not use the Electrical Appliances and Materials other than those affixed with the marks stipulated in Article 10, Paragraph 1.

3. The provisions of Paragraph 2 of the preceding article shall be applied mutatis mutandis to the cases of the preceding two paragraphs.

Chapter 5 Authorized Conformity Assessment Bodies, Etc.
Section 1 Authorized Conformity Assessment Bodies

(Authorization)
Article 29

1. The authorization stipulated in the provisions of Article 9, Paragraph 1 shall be carried out originating from the application made by a person who intends to conduct Conformity Assessment (except in cases of persons who will conduct assessments at overseas business sites) in accordance with the METI Ordinance for each classification stipulated by the METI Ordinance.

2. When the Minister of Economy, Trade and Industry deems it necessary after receiving the application stipulated in the preceding paragraph, the Minister may have the National Institute of Technology and Evaluation (hereinafter referred to as "National Institute"), which is an Independent Administrative Agency, conduct the necessary survey, whether the application concerned conforms to each of the paragraphs in Article 31 or not.

(Disqualification)
Article 30

Any person who falls under the purview of any of the following items shall be unable to obtain the authorization stipulated in Article 9, Paragraph 1.

- (1) Any person who, having violated this Law or the disposition pursuant to the provisions of this Law, has been sentenced to a fine or greater penalty as a result, and has not allowed at least two years to elapse since either the completion of the execution of the sentence or the date when the execution of such sentence was suspended.
- (2) Any person whose Minister's authorization has been cancelled under the provisions of Article 41 and who has not allowed at least two years to elapse from the date of the cancellation.
- (3) Any juridical person that has an officer who conducts its business and who falls under the purview of either of the preceding two items.

(Criteria for Authorization)

Article 31

The Minister of Economy, Trade and Industry shall not grant authorization to any applicant unless the Minister deems that the application for authorization as provided for in Article 9, Paragraph 1 conforms to each of the following items.

- (1) The applicant possesses sufficient financial standing and technical competence to conduct the operation of Conformity Assessment accurately and smoothly.
- (2) If the applicant is a juridical person, the composition of the officers and constituent members as stipulated in the METI Ordinance according to the type of juridical person has no risk of impeding the fair implementation of Conformity Assessment.
- (3) In addition to the criteria specified in the preceding item, the applicant conforms to the requirements stipulated by the METI Ordinance, so that there is no risk of conducting Conformity Assessment unfairly.

(Renewal of Authorization)

Article 32

1. If the authorization specified in Article 9, Paragraph 1 is not renewed within the period of not less than three years specified by Cabinet Order, the authorization shall expire upon the passage of that period.
2. The provisions of the preceding three Articles shall apply mutatis mutandis to the renewal of authorization stipulated in the preceding paragraph.

(Obligation to Conduct Conformity Assessment)

Article 33

1. When persons who have obtained the authorization stipulated in Article 9, Paragraph 1 (hereinafter referred to as "Authorized Conformity Assessment Bodies") are requested to conduct Conformity Assessment, the Authorized Conformity Assessment Bodies shall conduct such Conformity Assessment without delay unless there is due reason not to do so.
2. The Authorized Conformity Assessment Bodies shall conduct the Conformity Assessment fairly using methods that conform to the Technical Requirements.

(Change in Business Address)

Article 34

When an Authorized Conformity Assessment Body intends to change the location of the place of business where Conformity Assessment is conducted, it shall notify the Minister of Economy, Trade and Industry at least two weeks prior to the date of change.

(Rules of Operation)

Article 35

1. Authorized Conformity Assessment Bodies shall establish rules of operation for Conformity Assessment (hereinafter referred to as “Rules of Operation ”) and shall notify the Minister of Economy, Trade and Industry prior to commencing the operation of Conformity Assessment. This provision shall also apply when any change in the Rules of Operation is contemplated.

2. The matters to be stipulated in the Rules of Operation shall be stipulated in the METI Ordinance.

(Suspension or Abolition of Operation)

Article 36

When an Authorized Conformity Assessment Body contemplates the suspension or abolition of all or part of its operation of Conformity Assessment, it shall so notify the Minister of Economy, Trade and Industry in advance, in compliance with the METI Ordinance.

Articles 37 to 39. Deleted

(Order for Compliance)

Article 40

When the Minister of Economy, Trade and Industry deems an Authorized Conformity Assessment Body is no longer in compliance with the provisions of any item of Article 31, the Minister may order it to take necessary measures to comply with those provisions.

(Order for Improvement)

Article 40-2

When the Minister of Economy, Trade and Industry deems an Authorized Conformity Assessment Body is in violation of the provisions of Article 33, the Minister may order it to conduct Conformity Assessment or to take necessary measures to improve the methods of operation including the method of Conformity Assessment.

(Cancellation of Authorization, etc.)

Article 41

When an Authorized Conformity Assessment Body falls under the purview of any of the following items, the Minister of Economy, Trade and Industry may cancel the authorization or may order the suspension of the operation of Conformity Assessment in whole or in part for the period the Minister specified.

(1) When the Authorized Conformity Assessment Body falls under the purview of Article 30, Item 1 or Item 3.

- (2) When the provisions of Article 33; Article 34; Article 35, Paragraph 1; Article 36; or Article 42 have been violated.
- (3) When an order issued pursuant to the provisions of the preceding two articles has been violated.
- (4) When the conditions of Article 43, Paragraph 1 have been violated.
- (5) When the authorization stipulated in Article 9, Paragraph 1 was obtained through fraudulent means.

(Description in the book for Records)
Article 42

1. Authorized Conformity Assessment Bodies shall prepare the book for records and describe therein such matters pertaining to the Conformity Assessments as stipulated by the METI Ordinance.
2. The book for records specified in the preceding paragraph shall be kept in accordance with the METI Ordinance.

(Conduction of the Operation of Conformity Assessment by the Minister of Economy, Trade and Industry)
Article 42-2

1. When it is difficult for Authorized Conformity Assessment Bodies to conduct the operation of Conformity Assessment in whole or in part as a result of a natural disaster or some other cause, the Minister of Economy, Trade and Industry may conduct the operation of the Conformity Assessment concerned in whole or in part if the Minister deems it necessary.

2. In the event of the preceding paragraph, the Minister may have the National Laboratories of Industrial Technology (hereinafter referred to as "National Laboratories"), which is an Independent Administrative Agency, or the National Institute conduct the operation of the Conformity Assessment concerned in whole or in part.

3. When the Minister of Economy, Trade and Industry conducts or has the National Laboratories or the National Institute conduct the operation of Conformity Assessment in whole or in part in accordance with the preceding two paragraphs, transfer of the operation of the Conformity Assessment and other necessary matters shall be stipulated by the METI Ordinance.

Section 2 Approved Conformity Assessment Bodies

(Approval, etc.)
Article 42-3

1. The approval stipulated in the provisions of Article 9, Paragraph 1 shall be carried out originating from the application by a person who intends to conduct Conformity Assessment (limited to persons who will conduct assessments at

overseas business sites) in accordance with the METI Ordinance for each classification stipulated by the METI Ordinance specified in Article 29.

2. The provisions of Article 29, Paragraph 2 and Articles 30 to 32 shall apply mutatis mutandis to the approval stipulated in the provisions of Article 9, Paragraph 1, and the provisions of Articles 33 to 36, Article 40, Article 40-2 and Article 42 shall apply mutatis mutandis to the persons granted the approval stipulated in the provisions of Article 9, Paragraph 1 (hereinafter referred to as "Approved Conformity Assessment Bodies"). In these cases, the term "order" in Article 40 and 40-2 shall be treated as "request."

(Cancellation of Approval, etc.)

Article 42-4

1. When an Approved Conformity Assessment Body falls under the purview of any of the following items, the Minister of Economy, Trade and Industry may cancel the approval.

- (1) When falling under the purview of Article 30, Item 1 or Item 3 applied mutatis mutandis in Paragraph 2 of the preceding article.
- (2) When violating the provisions of Article 33; Article 34; Article 35, Paragraph 1; Article 36, or Article 42 applied mutatis mutandis in Paragraph 2 of the preceding article.
- (3) When failing to comply with the request under the provisions of Article 40 or Article 40-2 applied mutatis mutandis in Paragraph 2 of the preceding article.
- (4) When violating the conditions of Article 43, Paragraph 1.
- (5) When obtaining the approval stipulated in Article 9, Paragraph 1 through fraudulent means.
- (6) When failing to comply with the request made by the Minister of Economy, Trade and Industry for the suspension of the whole or part of the operation of Conformity Assessment during the period the Minister specified where the Minister deems that an Approved Conformity Assessment Body falls under the purview of any of the preceding items.
- (7) When failing to submit a report or submitting a false report in the event that the Minister of Economy, Trade and Industry deems it to be necessary and asks the Approved Conformity Assessment Body to submit a report on the operation.
- (8) When the inspection has been refused, obstructed or evaded, or the inquiries have not been responded to without due reasons or have been responded to falsely, in the event that the Minister of Economy, Trade and Industry deems to be necessary and intends to have the Minister's lawful representative inspect or make inquiries on the matters covered by Article 46, Paragraph 2 at the Approved Conformity Assessment Body's offices or place of business.
- (9) When not bearing the expenses under the ensuing paragraph .

2. The expenses required for the inspection stipulated in Item 8 of the preceding paragraph (limited only to the expenses determined by Cabinet Order) shall be

borne by the Approved Conformity Assessment Body which receives the inspection concerned.

3. When the Minister of Economy, Trade and Industry deems it necessary, the Minister may have the National Institute inspect or make inquiries in accordance with the provision of Paragraph 1, Item 8.

4. When the Minister of Economy, Trade and Industry has the National Institute inspect or make inquiries pursuant to the provisions of the preceding paragraph, the Minister shall indicate the place of the inspection and other necessary matters and instruct the National Institute to conduct it.

5. When the National Institute has conducted inspections or inquiries pursuant to the provisions of Paragraph 3, in accordance with the instruction by the Minister stipulated in the preceding paragraph, the National Institute shall report the results to the Minister.

Chapter 5-2 Order for the Prevention of Hazards, etc.

(Order for the Prevention of Hazards, etc.)

Article 42-5

When the Minister of Economy, Trade and Industry deems that there is a possibility of hazards or interference occurring because of the reasons given in any of the following items and deems that there is a particular need to prevent an expansion of such hazards or interference, the Minister may order the person stipulated in the corresponding item to recall the Electrical Appliances and Materials concerned that are sold or to take other necessary measures to prevent an expansion of the hazards or interference by such Electrical Appliances and Materials.

- (1) When a body engaged in the business of manufacturing, importing, or selling Electrical Appliances and Materials violates the provisions of Article 27, Paragraph 1 and sells the Electrical Appliances and Materials .
- (2) When a Reporting Supplier manufactures, imports, or sells the Electrical Appliance and Material of the product type specified in the report that does not comply with the Technical Requirements (excluding manufacture or import to which the provisos of Article 8 Paragraph 1 apply).

Chapter 6 Miscellaneous Provisions

(Conditions for Approval, etc.)

Article 43

1. Conditions may be attached to the approval or the authorization granted in accordance with the provisions of Article 8, Paragraph 1, Item 1; Article 9, Paragraph 1; or Article 27, Paragraph 2, Item 1.
2. The conditions provided for in the preceding paragraph shall be limited to the minimum necessary to ensure matters pertaining to approval or authorization and shall not be such as to impose undue obligations on those intending to obtain said approval or authorization.

(Announcement)
Article 44

In the following cases, the Minister of Economy, Trade and Industry shall make an announcement in the Official Gazette.

- (1) When authorization or approval has been made pursuant to Article 9, Paragraph 1.
- (2) When affixing of markings has been prohibited pursuant to the provisions of Article 12.
- (3) When notification has been received pursuant to the provisions of Article 34 (including application mutatis mutandis of Article 42-3, Paragraph 2).
- (4) When notification has been received pursuant to the provisions of Article 36 (including application mutatis mutandis of Article 42-3, Paragraph 2).
- (5) When authorization has been cancelled or suspension of the operation of Conformity Assessment has been ordered pursuant to the provisions of Article 41.
- (6) When the Minister of Economy, Trade and Industry decides to conduct the operation of Conformity Assessment in whole or in part pursuant to the provisions of Article 42-2, Paragraph 1 or decides to no longer conduct the operation of Conformity Assessment in whole or in part that the Minister had previously conducted.
- (7) When the Minister of Economy, Trade and Industry decides to have the National Laboratories or the National Institute conduct the operation of Conformity Assessment in whole or in part pursuant to the provisions of Article 42-2, Paragraph 2, or when the Minister decides not to have the National Laboratories or the National Institute conduct the operation of Conformity Assessment that either of them had conducted in whole or in part.
- (8) When approval has been cancelled pursuant to the provisions of Article 42-4, Paragraph 1.

(Collecting Reports)
Article 45

1. Within the limits necessary for the enforcement of this Law, and as stipulated by Cabinet Order, the Minister of Economy, Trade and Industry may order the submission of reports regarding the operations from persons engaged in the business of manufacturing, importing, or selling Electrical Appliances and Materials or persons engaged in business pursuant to the provisions or Article 28, Paragraph 2.

2. Within the limits necessary for the enforcement of this Law, the Minister of Economy, Trade and Industry may order Authorized Conformity Assessment Bodies to submit reports regarding their operations and finances.

(Spot Inspections, etc.)
Article 46

1. Within the limits necessary for the enforcement of this Law, the Minister of Economy, Trade and Industry may order the Minister's lawful representatives to enter the offices, factories, places of business, shops, or warehouses of persons engaged in the business of manufacturing, importing, or selling Electrical Appliances and Materials or persons engaged in business pursuant to the provisions of Article 28, Paragraph 2, for the purpose of inspecting Electrical Appliances and Materials, the book for records, documents, or other matters, or making inquiries of related parties.
2. Within the limits necessary for the enforcement of this Law, the Minister of Economy, Trade and Industry may order the Minister's lawful representatives to enter the offices or places of business of Authorized Conformity Assessment Bodies for the purpose of inspecting the conditions of operation, the book for records, documents, or other matters, or making inquiries of related parties.
3. Any official engaging in spot inspections or inquiries pursuant to the provisions of the preceding two paragraphs shall carry a certificate identifying the official's status and show it to persons concerned.
4. When the Minister of Economy, Trade and Industry deems it necessary, the Minister may have the National Institute inspect on the spot or make inquiries in accordance with the provisions of Paragraph 1 or 2.
5. When the Minister of Economy, Trade and Industry has the National Institute inspect on the spot or make inquiries pursuant to the provisions of the preceding paragraph, the Minister shall indicate the place of the spot inspection and other necessary matters and instruct the National Institute to conduct them.
6. When the National Institute has conducted inspections on the spot or inquiries pursuant to the provisions of Paragraph 4, in accordance with the instruction by the Minister stipulated in the preceding paragraph, the National Institute shall report the results to the Minister.
7. Any official of the National Institute engaging in spot inspections or inquiries pursuant to the provisions of Paragraph 4 shall carry a certificate identifying the official's status and show it to persons concerned.
8. The authority for the spot inspections granted in accordance with the provisions of Paragraphs 1 or 2 shall not be construed as granted for the purpose of criminal investigation.

(Submission of Electrical Appliances and Materials)
Article 46-2

1. In the conduction of inspections by the lawful representatives of the Minister of Economy, Trade and Industry pursuant to the provisions of Paragraph 1 of the preceding article or by the National Institute pursuant to the provisions of Paragraph 4 of the preceding article, should it be deemed that there are Electrical Appliances and Materials for which an in situ inspection would be extremely

difficult, the Minister may order the owner or possessor of such goods to submit them within a specified time limit.

2. The Japanese government (or the prefectural government in the event that the administration within the jurisdiction of the Minister of Economy, Trade and Industry pursuant to the provision of the preceding paragraph is to be administrated by the Prefectural Governor as provided for by Cabinet Order, pursuant to the Provision of Article 55-2) shall compensate the owner or possessor for loss incurred as a result of compliance with an order pursuant to the provisions of the preceding paragraph.

3. The losses to be compensated pursuant to the provisions of the preceding paragraph shall be considered to be those losses normally incurred as a result of orders pursuant to the provision of Paragraph 1.

(Order to the National Institute)
Article 46-3

When the Minister of Economy, Trade and Industry deems it necessary to ensure the proper implementation of conducting an inspection or inquiries pursuant to the provisions of Article 42-4, Paragraph 3, or conducting a spot inspection or inquiries pursuant to the provisions of Article 46, Paragraph 4, the Minister may give the necessary orders for the operation concerned to the National Institute.

Articles 47 and 48. Deleted

(Public Hearing)
Article 49

The Minister of Economy, Trade and Industry shall, when intending to enact or propose modifications to or abolition of, any portion of the Cabinet Order pursuant to the provision of Article 2 or Article 28, Paragraph 2, hold a public hearing to listen to a broad range of public opinion.

(Request for investigation regarding disposal, etc. conducted by the National Laboratories or the National Institute)
Article 50.

Any person who objects to the disposition or default concerning a Conformity Assessment conducted by the National Laboratories or the National Institute may request the Minister of Economy, Trade and Industry to conduct an investigation in accordance with the Law for Investigation of Objections Against Administration (Law No.160 of 1962).

(Hearing in the Process of Demurrer)
Article 51

1. The Minister of Economy, Trade and Industry shall make a judgement or a decision concerning a request for investigation or a protest regarding a disposition pursuant to the provisions of this Law or an order based on this Law, following the

conduction of an open hearing after giving advance notice with a sufficient period of time to the person concerned with the disposition.

2. In the advance notice mentioned in the preceding paragraph, the date, place, and subject shall be stated.

3. At the public hearing mentioned in Paragraph 1, the person concerned with the disposition and other persons concerned shall be given opportunities to present testimony regarding the case and to state their opinions.

(Applications and Orders by the Minister of Economy, Trade and Industry
Concerning Conformity Assessment)

Article 52

1. When an Authorized Conformity Assessment Body does not conduct Conformity Assessment with respect to the Specified Electrical Appliances and Materials manufactured or imported by a Reporting Supplier or the Reporting Supplier has an objection concerning the results of an Authorized Conformity Assessment Body's Conformity Assessment, the Reporting Supplier may apply to the Minister of Economy, Trade and Industry for the Minister's order to the Authorized Conformity Assessment Body to conduct Conformity Assessment or to conduct the Conformity Assessment again.

2. When the Minister of Economy, Trade and Industry receives an application stipulated in the preceding paragraph and the Minister deems that the Authorized Conformity Assessment Body concerned with the application is in violation of the provisions of Article 33, the Minister shall issue an order to the Authorized Conformity Assessment Body referred to in the application pursuant to the provisions of Article 40-2.

3. In the case of application of the preceding paragraph, when the Minister of Economy, Trade and Industry decides to issue or not issue an order pursuant to the provisions of Article 40-2, the Minister shall immediately so inform the Reporting Supplier who made the application.

4. The preceding three paragraphs shall apply mutatis mutandis to Approved Conformity Assessment Bodies. In such cases, "shall order" in Paragraph 1 shall be treated as "shall request;" "Article 33" in Paragraph 2 shall be treated as "mutatis mutandis application of Article 33 pursuant to Article 42-3, Paragraph 2;" "Article 40-2" in Paragraphs 2 and 3 shall be treated as "mutatis mutandis application of Article 40-2 pursuant to Article 42-3, Paragraph 2;" and the term "order" shall be treated as "request."

(Fees)

Article 53

1. Persons applying for Conformity Assessment conducted by the Minister of Economy, Trade and Industry pursuant to the provisions of Article 42-2, Paragraph 1 or Conformity Assessment conducted by the National Laboratories or the National Institute pursuant to the provisions of Article 42-2, Paragraph 2 shall pay such fees as determined taking into account the actual expenses, by Cabinet Order.

2. The fees provided for in the preceding paragraph shall become the revenues of the National Treasury in the case of applying for Conformity Assessment conducted by the Minister of Economy, Trade and Industry; the revenues of the National Laboratories in the case of applying for Conformity Assessment conducted by the National Laboratories; and the revenues of the National Institute in the case of applying for Conformity Assessment conducted by the National Institute.

(Special Treatment for Electrical Appliances and Materials for Export)
Article 54

Electrical Appliances and Materials for export may, in accordance with Cabinet order, be exempted from the application of portions of this Law, or be given other necessary special consideration.

(Interim Measures)
Article 55

In the event of enactment, amendment, or annulment of Cabinet Order or the METI Ordinance based on the provisions of this law, required interim measures may be stipulated by Cabinet Order or the METI Ordinance respectively to the extent judged reasonably necessary pursuant to such enactment, amendment, or annulment.

(Administration conducted by the Prefectural Government)
Article 55-2

Part of the administration of the Minister of Economy, Trade and Industry stipulated by this Law may, pursuant to Cabinet Order, be stipulated to be conducted by the Prefectural Governor.

(Delegation of Authority)
Article 56

Matters within the jurisdiction of the Minister of Economy, Trade and Industry pursuant to the provisions of this Law may, as provided for by Cabinet Order, be delegated to Director-Generals of Economy, Trade and Industry Bureaus.

Chapter 7 Penal Provisions

Article 57

Any person who falls under the purview of any of the following items shall be punished by penal servitude not exceeding one year and/or a fine not exceeding one million yen.

(1) Any person who has affixed the marks in violation of the provisions of Article 10, Paragraph 2.

- (2) Any person who has violated the prohibition stipulated in Article 12 (limited to the portion pertaining to Item 1).
- (3) Any person who has sold, or has displayed for the purpose of sale, the Electrical Appliance and Material in violation of the provisions of Article 27, Paragraph 1.
- (4) Any person who has used the Electrical Appliance and Material in violation of the provisions of Article 28, Paragraphs 1 or 2.
- (5) Any person who has violated an order to suspend operations pursuant to the provisions of Article 41.
- (6) Any person who has violated an order pursuant to the provisions of Article 42-5.

Article 58

Any person who falls under the purview of any of the following items shall be punished by a fine not exceeding 300,000 yen.

- (1) Any person who has failed to make a report pursuant to the provisions of Article 3 or made a false report .
- (2) Any person who has failed to conduct testing, failed to prepare a record of testing, prepared a false record of testing, or failed to keep a record of testing in violation of the provisions of Article 8, Paragraph 2.
- (3) Any person who has failed to obtain a certificate or has failed to keep a certificate in violation of the provisions of Article 9, Paragraph 1.
- (4) Any person who has failed to make notification pursuant to the provisions of Article 36 or made a false notification.
- (5) Any person who has failed to describe such matters stipulated in Article 42, Paragraph 1 in violation of that provision, has made a false record, or has failed to keep a book for records in violation of the provisions of Article 42, Paragraph 2.
- (6) Any person who has failed to make a report pursuant to the provisions of Article 45, Paragraphs 1 or 2 or has made a false report.
- (7) Any person who has refused, obstructed, or evaded inspection pursuant to the provisions of Article 46, Paragraphs 1 or 2, has not responded without due reasons, or has responded falsely, to inquiries pursuant to the provisions of those paragraphs.
- (8) Any person who has violated an order issued pursuant to Article 46-2, Paragraph 1.

Article 59

When a representative of a juridical person; or an agent, employee or any other worker of a juridical person or an individual has violated the provisions of any of the following items in regard to the operation of the said juridical person or

individual, the juridical person concerned shall be liable to the penalties provided for in the said items and the individual concerned shall be liable for the penalties provided for the said articles, besides the offender.

(1) Article 57 (limited to those portions pertaining to Items 2 and 6): a fine not exceeding 100 million yen.

(2) Article 57 (excluding those portions pertaining to Items 2 and 6) or the preceding article: the fines stipulated in each article.

Article 60

Any person who has failed to make notification pursuant to the provisions of Article 4, Paragraph 2; Article 5; or Article 6, or who has made a false report, shall be punished by a fine not exceeding 200,000 yen.

Article 61

Any officer of the National Institute who has violated an order pursuant to the provisions of Article 46-3 shall be punished by a fine not exceeding 200,000 yen.