

この法令の翻訳は、平成十八年法律第五〇号までの改正について、「法令用語日英標準対訳辞書」（平成20年3月版）に準拠して作成したものです。なお、この法令の翻訳は公定訳ではありません。法的効力を有するのは日本語号令自体であり、翻訳はあくまでその理解を助けるための参考資料です。この翻訳の利用に従って発生した問題について、一切の責任を負いかねますので、法律上の問題に関しては、官報に搭載された日本語の法令を参考してください。

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## High Pressure Gas Safety Act (Act No. 204 of June 7, 1951)

Latest Revision: Act No. 50 of June 2, 2006

Chapter I General Provisions (Article 1 to Article 4)

Chapter II Undertaking of Business (Article 5 to Article 25-2)

Chapter III Safety (Article 26 to Article 39)

Chapter III-2 Accreditation Regarding Completion Inspection and Safety Inspection (Article 39-2 to Article 39-12)

Chapter IV Containers, etc.

Section 1 Containers and Accessories Therefor (Article 40 to Article 56-2-2)

Section 2 Designated Equipment (Article 56-3 to Article 56-6-23)

Section 3 Specified Equipment (Article 56-7 to Article 56-9)

Section 4 Refrigeration Apparatuses (Article 57 to Article 58-2)

Chapter IV-2 Designated Examining Body, etc.

Section 1 Designated Examining Body (Article 58-3 to Article 58-17)

Section 2 Designated Completion Conformity Inspection Body (Article 58-18 to Article 58-30)

Section 2-2 Designated Import Conformity Inspection Body (Article 58-30-2)

Section 2-3 Designated Safety Conformity Inspection Body (Article 58-30-3)

Section 3 Designated Container Conformity Inspection Body (Article 58-31)

Section 4 Designated Conformity Inspection Body for Designated Equipment (Article 58-32)

Section 5 Designated Accreditation Agency for Specified Equipment (Article 58-33)

Section 6 Investigation Agency of Inspection Organization, etc. (Article 58-34 to Article 59)

Chapter IV-3 The High Pressure Gas Safety Institute of Japan

Section 1 General Provisions (Article 59-2 to Article 59-8)

Section 2	Members (Article 59-9 to Article 59-11)
Section 3	Officers, Councilors and Staff (Article 59-12 to Article 59-27)
Section 4	Service (Article 59-28 to Article 59-30-2)
Section 4-2	Finance and Accounting (Article 59-31 to Article 59-33-2)
Section 5	Supervision (Article 59-34 to Article 59-35)
Section 6	Dissolution (Article 59-36)
Chapter V	Miscellaneous Provisions (Article 60 to Article 79-2)
Chapter VI	Penal Provisions (Article 80 to Article 86)
	Supplementary Provisions

## **Chapter I General Provisions**

### Article 1 (Purpose)

The purpose of this Act is to regulate the production, storage, sale, transportation and other matters related to the handling of high pressure gases, their consumption as well as the manufacture and handling of their containers and to encourage voluntary activities by private businesses and the High Pressure Gas Safety Institute of Japan for the safety of high pressure gases with the aim of securing public safety by preventing accidents and disasters caused by high pressure gases.

### Article 2 (Definitions)

The term "high pressure gas" as used in this Act means any gas that falls under any of the following items:

- (i) Compressed gas, the pressure (meaning gauge; the same shall apply hereinafter) of which is not less than 1 megapascal at its normal operating temperature and which is currently not less than 1 megapascal, or compressed gas, the pressure of which is not less than 1 megapascal at a temperature of 35 degrees Celsius (except compressed acetylene gas in both cases);
- (ii) Compressed acetylene gas, the pressure of which is not less than 0.2 megapascal at its normal operating temperature and which is currently not less than 0.2 megapascal, or compressed acetylene gas, the pressure of which is not less than 0.2 megapascal at a temperature of 15 degrees Celsius;
- (iii) Liquefied gas, the pressure of which is not less than 0.2 megapascal at its normal operating temperature and which is currently not less than 0.2 megapascal, or liquefied gas, the temperature of which is 35 degrees Celsius or less in the case that the pressure is 0.2 megapascal; or
- (iv) In addition to what is listed in the preceding item, those liquefied gases, the pressure of which exceeds zero Pascal at a temperature of 35 degrees Celsius, and which, inclusive of liquefied hydrogen cyanide and liquefied methyl-bromide, are specified by a Cabinet Order.

### Article 3 (Exemptions)

- (1) The provisions of this Act shall not apply to high pressure gases listed in any of the following items:
  - (i) High pressure steam in high pressure boilers and the piping therefor;
  - (ii) High pressure gas in air-conditioners of railroad vehicles;
  - (iii) High pressure gas within ships to which the provision of paragraph (1) of Article 2 of the Ship Safety Act (Act No. 11 of 1933) applies or within ships used by the Maritime Self-Defense Force;
  - (iv) High pressure gas within facilities (limited to those facilities specified by a Cabinet Order) which are located in a mine under paragraph (2) of Article 2 of the Mine Safety Act (Act No. 70 of 1949) and are used for mining work in such mine;
  - (v) High pressure gas within aircraft under paragraph (1) of Article 2 of the Civil Aeronautics Act (Act No. 231 of 1952);
  - (vi) High pressure gas within electric facilities (limited to those facilities specified by a Cabinet Order) under item (xvi) of paragraph (1) of Article 2 of the Electricity Business Act (Act No. 170 of 1964);
  - (vii) High pressure gas within nuclear reactors and attached facilities under paragraph (4) of Article 2 of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 166 of 1957); and
  - (viii) Other high pressure gases specified by a Cabinet Order which have no possibility of causing accidents or disasters.
- (2) The provisions of Articles 40 to 56-2-2 inclusive and Articles 60 to 63 inclusive shall not apply to containers with an internal volume or less 1 deciliter and to containers to be used without tight sealing.

### Article 4 (Application to the National Government)

The provisions of this Act, except those of Article 73 and Chapter VI, shall apply to the National Government. In this case, the term "permission" or "authorization" wherever appearing herein shall be deemed to be replaced with "approval".

## **Chapter II Undertaking of Business**

### Article 5 (Permission for Production, etc.)

- (1) Any person who falls under any of the following items shall obtain the permission of the prefectural governor for each place of business:
  - (i) A person who intends to produce high pressure gas (including the filling of containers; the same shall apply hereinafter) using equipment (except the equipment accredited under paragraph (2) of Article 56-7) that is capable of

processing a gas by means of compression, liquefaction or some other means at a rate of not less than 100 cubic meters (in the case of said gas being a gas specified by a Cabinet Order, the relevant figure exceeding 100 cubic meters as specified by said Cabinet Order for each type of gas specified by such Cabinet Order) a day (converted to a state with a temperature of zero degrees Celsius and a pressure of zero Pascal; the same shall apply hereinafter) [except those persons who intend to produce high pressure gas for the purpose of refrigeration (including heating by the use of refrigeration equipment; the same shall apply hereinafter) and those persons who intend to fill the LPG referred to in paragraph (1) of said Article of the Act on the Securing of Safety and the Optimization of Transaction of Liquefied Petroleum Gas (Act No. 149 of 1967; hereinafter referred to as "the LPG Act") to a supply facility referred to in paragraph (4) of Article 2 of the LPG Act]; or

- (ii) A person who intends to produce high pressure gas within equipment with a refrigerating capacity of not less than 20 tons a day (or, in the case of said gas being a gas specified by a Cabinet Order, a value exceeding 20 tons as specified by a Cabinet Order for each of those gases specified in such Cabinet Order) by means of compressing or liquefying the gas in such equipment for the purpose of refrigeration (except the equipment accredited under paragraph (2) of Article 56-7).
- (2) Any person falling under any of the following items shall submit a notification report to the prefectural governor by means of a written statement describing the type of high pressure gas to be produced, the location, construction and equipment of the facilities for production and the method of production for each place of business no later than 20 days prior to the day specified in each of the items:
- (i) A person engaging in the business of producing high pressure gas (except those persons referred to in item (i) of the preceding paragraph, those persons producing high pressure gas for the purpose of refrigeration and those persons filling the LPG referred to in paragraph (1) of said Article of the LPG Act to a supply facility referred to in paragraph (4) of Article 2 of the LPG Act): The date of commencement of business; or
  - (ii) A person (except those persons referred to in said item) producing high pressure gas with equipment with a refrigerating capacity of not less than 3 tons a day (or, in the case of such gas being a gas specified by the Cabinet Order referred to in item (ii) of the preceding paragraph, a value exceeding 3 tons as specified by the Cabinet Order for each of those gases specified in such Cabinet Order) by means of compressing or liquefying the gas in such equipment for the purpose of refrigeration: The date of commencement of production.
- (3) The refrigerating capacity referred to in item (ii) of paragraph (1) and item (ii) of the preceding paragraph shall be calculated in accordance with the standards

specified by an Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as "Ordinance of METI").

#### Article 6 Deletion

#### Article 7 (Disqualification for Permission)

Any person falling under any of the following items shall be disqualified for permission under paragraph (1) of Article 5:

- (i) A person whose previously obtained permission was revoked pursuant to the provision of paragraph (1) of Article 38 and for whom 2 years have not passed from the date of revocation;
- (ii) A person who violated this Act or an order pursuant to this Act, was sentenced to punishment severer than a fine, and for whom 2 years have not passed from the date when such person completed or was relieved from the execution thereof;
- (iii) An adult ward; or
- (iv) A juridical person (body corporate) with officers who fall under any of the preceding three items.

#### Article 8 (Standards for Permission)

When there is an application for permission under paragraph (1) of Article 5, the prefectural governor shall examine the application and shall give permission if he/she finds that the application is in conformity with the requirements of all the following items.

- (i) The location, construction and equipment of the facilities for production (including storage and pipeline transportation incident thereto; the same shall apply under this Article, the following Article, Article 11, paragraph (1) of Article 14, paragraphs (1) to (3) inclusive of Article 20, Article 20-2, Article 20-3, paragraph (1) of Article 21, paragraph (4) of Article 27-2, paragraph (1) of Article 27-3, paragraph (1) of Article 27-4, paragraph (10) of Article 32, paragraph (1) of Article 35, Article 35-2, paragraph (1) of Article 36, paragraph (1) of Article 38, items (i) and (ii) of Article 39, Article 39-6, paragraph (1) of Article 39-11, item (iv) of paragraph (1) of Article 39-12, paragraph (1) of Article 60, items (ii) and (iii) of Article 80 and item (ii) of Article 81) shall conform with the technical standards specified by an Ordinance of METI;
- (ii) The method of production employed shall conform with the technical standards specified by an Ordinance of METI;
- (iii) There is no risk of the production interfering with the maintenance of public safety or the prevention of disasters.

#### Article 9 (Revocation of Permission)

If a person who obtained permission under paragraph (1) of Article 5 (hereinafter

referred to as "Class 1 Producer") has, without justifiable grounds, failed to commence production or sale within one year or has suspended production for an uninterrupted period of not less than one year, the prefectural governor may revoke the permission therefor.

#### Article 10 (Succession)

- (1) In the event there is an inheritance, merger or division with respect to a Class 1 Producer (limited to the succession of the place of business of such Class 1 Producer for which such Class 1 Producer has obtained permission), the heir(s) (in case there are two or more heir(s), if all of them have selected by agreement an heir to succeed such business, then such specific heir), the surviving after the merger or newly organized by the merger, or the juridical person succeeding to such place of business by division, shall succeed to the status of a Class 1 Producer.
- (2) A person(s) who has (have) succeeded to the status of a Class 1 Producer pursuant to the provision of the preceding paragraph shall submit a notification report of the succession to the prefectural governor without delay with a document certifying such fact.

#### Article 10-2

- (1) A person who is listed in any of the items of paragraph (2) of Article 5 (hereinafter referred to as "Class 2 Producer") transfers all of his/her business or in the event of the inheritance, merger or divided succession of a Class 2 Producer (limited to transfer of all the business(es) of such Class 2 Producer), a person who has succeeded to all of his/her business(es) or the heir(s) and/or the heiress(es) (in case there are two or more heir(s) and/or heiress(es), if all of them have unanimously selected an heir(ess) to succeed such business(es), then such specific heir(ess)) or the corporate body surviving after the merger or newly organized by the merger or inheriting all of his/her business(es) by divided succession, shall succeed to the status of a Class 2 Producer pursuant to the provision of this Act.
- (2) A person(s) who has (have) succeeded to the status of a Class 2 Producer pursuant to the provision of the preceding paragraph shall submit a notification report of the succession to the prefectural governor without delay with a document certifying such fact.

#### Article 11 (Facilities for Production and Method of Production)

- (1) A Class 1 Producer shall maintain the facilities for production so as to keep the location, construction and equipment of the facilities in conformity with the technical standards under item (i) of Article 8.
- (2) A Class 1 Producer shall produce high pressure gas in accordance with the technical standards under item (ii) of Article 8.

- (3) When a prefectural governor finds that the facilities for production or the method of production of a Class 1 Producer are not in conformity with the technical standards under item (i) or (ii) of Article 8, he/she may order the Class 1 Producer to repair, alter or remove the facilities for production so as to conform with such technical standards or to produce high pressure gas in accordance with such technical standards.

#### Article 12

- (1) A Class 2 Producer shall maintain the facilities for production so as to keep the location, construction and equipment of the facilities in conformity with the technical standards specified by an Ordinance of METI.
- (2) A Class 2 Producer shall produce high pressure gas in accordance with the technical standards specified by an Ordinance of METI.
- (3) When a prefectural governor finds that the facilities for production or the method of production of a Class 2 Producer are not in conformity with the technical standards under the preceding two paragraphs, he/she may order the Class 2 Producer to repair, alter or remove the facilities for production so as to conform with such technical standards, or to produce the high pressure gas in accordance with such technical standards.

#### Article 13

In addition to the provisions of the preceding two Articles, the production of high pressure gas shall be conducted in accordance with the technical standards specified by an Ordinance of METI.

#### Article 14 (Change of Facilities for Production, etc.)

- (1) A Class 1 Producer who intends to implement any change in the location, construction or equipment of the facilities for production or who intends to change the type of high pressure gas to be produced or the method of production therefor shall obtain the permission of the prefectural governor; provided, however, that this shall not apply to minor changes specified by an Ordinance of METI with respect to the location, construction or equipment of the facilities for production.
- (2) When implementing such minor changes as specified in the proviso of the preceding paragraph, the Class 1 Producer shall submit a notification report thereof to the prefectural governor without delay after the completion thereof.
- (3) The provision of Article 8 shall apply mutatis mutandis to permission under paragraph (1).
- (4) A Class 2 Producer who intends to implement any changes in the location, construction or equipment of the facilities for production, or who intends to change the type of high pressure gas to be produced or the method of production therefor,

shall submit a notification report thereof to the prefectural governor in advance; provided, however, that this shall not apply to minor changes specified by an Ordinance of METI with respect to the location, construction or equipment of the facilities for production.

#### Article 15 (Storage)

- (1) The storage of high pressure gas shall be conducted in accordance with the technical standards specified by an Ordinance of METI; provided, however, that this shall not apply to the high pressure gas stored by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5 of this Act; LPG referred to in paragraph (1) of Article 2 of the LPG Act stored by a LPG Dealer specified in Article 6 of the LPG Act at a supply facility specified in paragraph (4) of Article 2, of the LPG Act or a storage facility specified in item (iii) of paragraph (2) of Article 3 of the LPG Act; or high pressure gas of not more than the volume specified by an Ordinance of METI.
- (2) When a prefectural governor finds that the storage of high pressure gas by the owner or possessor of the storage place as provided in paragraph (1) of the following Article or paragraph (1) of Article 17-2 is not in conformity with the technical standards under the preceding paragraph, he/she may order such owner or possessor to store the high pressure gas in accordance with such technical standards.

#### Article 16 (Storage Place)

- (1) High pressure gas of not less than 300 cubic meters (if such gas is one of those types of gas specified by a Cabinet Order, the figure in excess of 300 cubic meters that is specified by such Cabinet Order for each type of gas to be specified by such Cabinet Order) in volume shall be stored in a storage place to be set up with the prior permission of the prefectural governor (hereinafter referred to as "Class 1 Storage Place"); provided, however, that this shall not apply to the storage of high pressure gas by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5 or to the storage of the LPG referred to in paragraph (1) of Article 2 of the LPG Act at a supply facility specified in paragraph (4) of Article 2 of the LPG Act or a storage facility specified in item (iii) of paragraph (2) of Article 3 of the LPG Act by a LPG Dealer specified in Article 6 of the LPG Act.
- (2) When there is an application for permission set forth in the preceding paragraph, the prefectural governor shall give permission if he/she finds that the location, construction and equipment of the Class 1 Storage Place are in conformity with the technical standards specified by an Ordinance of METI.
- (3) In the case referred to in paragraph (1), if the high pressure gas to be stored is



liquefied gas, or liquefied gas and compressed gas, 10 kilograms of the liquefied gas shall be deemed to be 1 cubic meter in volume for the purpose of application of said paragraph.

#### Article 17

- (1) The transfer or delivery of a Class 1 Storage Place shall cause the transferee or deliverer to succeed to the status of the person who was given permission to set up such Class 1 Storage Place.
- (2) The successor to the status of a person who was given permission to set up a Class 1 Storage Place under the provision of the preceding paragraph shall submit a notification report of the succession to the prefectural governor without delay.

#### Article 17-2

- (1) High pressure gas of not less than 300 cubic meters in volume shall be stored (except the case provided in the main text of paragraph (1) of Article 16) at a storage place of which the installation shall be notified to the prefectural governor in advance (hereinafter referred to as "Class 2 Storage Place"); provided, however, that this shall not apply to the storage of high pressure gas by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5 or to the storage of the LPG referred to in paragraph (1) of Article 2 of the LPG Act at a supply facility provided in paragraph (4) of Article 2 of the LPG Act or a storage facility provided in item (iii) of paragraph (2) of Article 3 of the LPG Act by a LPG Dealer provided in Article 6 of the LPG Act.
- (2) The provision of paragraph (3) of Article 16 shall apply mutatis mutandis to the preceding paragraph.

#### Article 18

- (1) The owner or possessor of a Class 1 Storage Place shall maintain the Class 1 Storage Place so as to keep its location, construction and equipment in conformity with the technical standards under paragraph (2) of Article 16.
- (2) The owner or possessor of a Class 2 Storage Place shall maintain the Class 2 Storage Place so as to keep its location, construction and equipment in conformity with the technical standards specified by an Ordinance of METI.
- (3) When the prefectural governor finds that the location, construction or equipment of a Class 1 Storage Place or Class 2 Storage Place is not in conformity with the technical standards under paragraph (2) of Article 16 or those specified in the preceding paragraphs, the prefectural governor may order the owner or possessor thereof to repair, alter or remove such Class 1 Storage Place or Class 2 Storage Place so as to conform with said technical standards.

## Article 19

- (1) The owner or possessor of a Class 1 Storage Place who intends to implement any change in the location, construction or equipment therefor shall obtain the permission of the prefectural governor; provided, however, that this shall not apply to minor changes specified by an Ordinance of METI with respect to the location, construction or
- (2) When implementing such minor changes referred to in the proviso of the preceding paragraph, the owner or possessor of a Class 1 Storage Place shall submit a notification report thereof to the prefectural governor without delay after the completion thereof.
- (3) The provision of paragraph (2) of Article 16 shall apply mutatis mutandis to permission under paragraph (1).
- (4) The owner or possessor of a Class 2 Storage Place who intends to implement any change to the location, construction or equipment thereof shall notify the prefectural governor of the intended change in advance; provided, however, that this shall not apply to minor changes specified by an Ordinance of METI with respect to the location, construction or equipment of the Class 2 Storage Place.

## Article 20 (Completion Inspection)

- (1) Upon completion of the setting up of facilities for the production of high pressure gas or of the setting up of a Class 1 Storage Place, the person who was given permission under paragraph (1) of Article 5 or paragraph (1) of Article 16 shall subject such production facilities or Class 1 Storage Place to a completion inspection by the prefectural governor and shall not use them until they are found to be in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16; provided, however, that this shall not apply to the case where said person has subjected the facilities for the production of high pressure gas or the Class 1 Storage Place to a completion inspection by the High Pressure Gas Safety Institute of Japan (hereinafter referred to as "the Institute") or an agency designated by the Minister (hereinafter referred to as "Designated Completion Conformity Inspection Body") as specified by an Ordinance of METI, has received approval that said facilities or Class 1 Storage Place are in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16 and has notified such approval to the prefectural governor.
- (2) A person who has had the whole or a part of the facilities for production transferred from a Class 1 Producer and has obtained permission under paragraph (1) of Article 5 shall be entitled to use said facilities if said Class 1 Producer had said facilities verified as being in conformity with the technical standards under item (i) of Article 8 following completion inspection or notified the records of inspection in accordance with the provision of item (ii) of the following paragraph.

- (3) Upon completion of the work to alter the location, construction or equipment of facilities for the production of high pressure gas or a Class 1 Storage Place (except the type of work specified by an Ordinance of METI; hereinafter referred to as "Designated Alteration Work"), a person who has obtained permission under paragraph (1) of Article 14 or paragraph (1) of the preceding Article shall subject such production facilities or Class 1 Storage Place to completion inspection by the prefectural governor and shall not use them until they have been verified as being in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16; provided, however, that this shall not apply in either of the following cases:
- (i) When said person has subjected the facilities for the production of high pressure gas or Class 1 Storage Place to completion inspection by the Institute or an Authorized Completion Conformity Inspection Body pursuant to the provision of an Ordinance of METI, received approval that said facilities or Class 1 Storage Place are in conformity with the technical standards under item (i) of Article 8 or paragraph (2) of Article 16 and notified such approval to the prefectural governor; or
  - (ii) When a person accredited by the Minister of METI as being qualified to conduct completion inspection regarding the Designated Alteration Work by himself (hereinafter referred to as "Accredited Completion Inspection Executor") has already notified the records of inspection to the prefectural governor pursuant to the provision of paragraph (1) of Article 39-11.
- (4) Upon completion of the completion inspection as provided for in the proviso of paragraph (1) or item (i) of the preceding paragraph, the Institute or an Accredited Completion Conformity Inspection Body shall report the inspection results to the prefectural governor without delay.
- (5) The method of completion inspection to be conducted by the prefectural governor, the Institute or an Authorized Completion Conformity Inspection Body, as referred to in paragraph (1) and paragraph (3) hereof, shall be specified by an Ordinance of METI.

#### Article 20-2

A person who was given permission under paragraph (1) of Article 5 or paragraph (1) of Article 14 shall not be required to subject the following equipment to completion inspection under paragraph (1) or paragraph (3) of said Article, if he/she has subjected the facilities for production involving such equipment to completion inspection by the prefectural governor, the Institute or an Authorized Completion Conformity Inspection Body as referred to in paragraph (1) or paragraph (3) of said Article within the period specified by an Ordinance of METI:

- (i) Equipment which has successfully passed the Designated Equipment Inspection

specified in paragraphs (1) to (3) inclusive of Article 56-3 and of which such a fact may be confirmed by a Designated Equipment Inspection Certificate referred to in paragraph (1) of Article 56-4; or

- (ii) Equipment manufactured by a person who has registered as specified in paragraph (1) of Article 56-6-2 or paragraph (1) of Article 56-6-22 and of which such a fact may be confirmed by a Designated Equipment Standards Conformity Certificate referred to in paragraph (2) of Article 56-6-14 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22).

#### Article 20-3

A person who was given permission under paragraph (1) of Article 5 or paragraph (1) of Article 14 shall not be required to subject to the completion inspection under paragraph (1) or paragraph (3) of Article 20, the facilities for production involving equipment that has been accredited under paragraph (2) of Article 56-7 and of which such accreditation may be verified by a Specified Equipment Accreditation Certificate under paragraph (1) of Article 56-8 if such person subjects such facilities for production to the completion inspection under paragraph (1) or paragraph (3) of Article 20 to be conducted by the prefectural governor, the Institute or an Authorized Completion Conformity Inspection Body.

#### Article 20-4 (Notification of Sales Business)

A person who intends to engage in the business of selling high pressure gas (except the business of selling LPG as provided for in paragraph (3) of Article 2 of the LPG Act) shall notify the prefectural governor of his/her intention, with a document describing the type of high pressure gas for sale and other documents specified by an Ordinance of METI at least 20 days prior to the planned day of business commencement for each place of sales, provided, however, that this shall not apply in either of the following cases:

- (i) When a Class 1 Producer provided for in item (i) of paragraph (1) of Article 5 intends to sell at his/her place of business high pressure gas produced by him/her; or
- (ii) A person who is engaged in the business of selling high pressure gases, such as compressed oxygen for medical use and others, as specified by a Cabinet Order at a sale location where the storage quantity is always less than 5 cubic meters.

#### Article 20-4-2 (Succession)

- (1) A person who has made notification pursuant to the preceding Article (hereinafter referred to as "Dealer") has transferred all of his/her selling business so notified or in the event of the inheritance, merger or divided succession of a Dealer (limited to transfer of all of his/her selling business so notified), a person

who has succeeded to all of his/her business or the heir(s) and/or heiress(es) (in case there are two or more heir(s) and/or heiress(es), if all of them have unanimously selected an heir(ess) to succeed to such business, then such specific heir(ess)) or the corporate body existent after the merger or newly organized by the merger or inheriting all of his/her business by divided succession shall succeed to the status of a Dealer.

- (2) A person(s) who has (have) succeeded to the status of a Dealer in accordance with the provision of the preceding paragraph shall submit a notification report of the succession to the prefectural governor without delay with a document certifying such fact.

#### Article 20-5 (Duty of Adequate Information, etc.)

- (1) A Dealer or a person who is engaged in the business of selling pursuant to the provision of paragraph (1) of Article 20-4 (hereinafter referred to as "Dealer, etc.") shall inform a buyer of the high pressure gas which he/she intends to sell and which is specified as high pressure gas in an Ordinance of METI of those items specified by an Ordinance of METI which are deemed necessary to prevent the occurrence of accidents caused by said high pressure gas; provided, however, that this shall not apply if the person buying said high pressure gas is a Class I Producer, a Dealer, a Specific High Pressure Gas Consumer referred to in paragraph (2) of Article 24-2 or any other person specified by an Ordinance of METI.
- (2) In the event a Dealer, etc. fails to inform buyers as prescribed in the preceding paragraph or the method of informing is found to be inappropriate, the prefectural governor may issue a recommendation to said Dealer, etc. to properly inform buyers in accordance with the provision of said paragraph or to improve the method of informing buyers.
- (3) In the event a Dealer, etc. does not follow the recommendation pursuant to the provision set forth in the preceding paragraph, the prefectural governor may publicly make public the failure on the part of the Dealer, etc. to follow said recommendation.

#### Article 20-6 (Sales Method)

- (1) A Dealer, etc. shall sell high pressure gas in accordance with the technical standards specified by an Ordinance of METI.
- (2) In the event the sales method employed by a Dealer, etc. is found to be inconsistent with the technical standards referred to set forth in the preceding paragraph, the prefectural governor may issue an order to the Dealer, etc. to sell high pressure gas in accordance with said technical standards.

Article 20-7 (Change of Type of High Pressure Gas for Sale)

A Dealer shall notify any change of the type of high pressure gas he/she sells to the prefectural governor without delay.

Article 21 (Notification of Abolition of Production, etc.)

- (1) Upon commencement or discontinuation of the production of high pressure gas, a Class 1 Producer shall submit a notification report thereof to the prefectural governor without delay.
- (2) Upon the discontinuation of the business of producing high pressure gas, a Class 2 Producer listed in item (i) of paragraph (2) of Article 5 shall submit a notification report thereof to the prefectural governor without delay.
- (3) Upon the discontinuation of the production of high pressure gas, a Class 2 Producer listed in item (ii) of paragraph (2) of Article 5 shall submit a notification report thereof to the prefectural governor without delay.
- (4) Upon the discontinuation of the use of a Class 1 Storage Place or Class 2 Storage Place, the owner or possessor thereof shall submit a notification report of the discontinuation of the use of such facility to the prefectural governor without delay.
- (5) Upon the discontinuation of the business of selling high pressure gas, a Dealer shall submit a notification report thereof to the prefectural governor without delay.

Article 22 (Import Inspection)

- (1) Any person who has imported high pressure gas shall have the imported high pressure gas and the container therefor undergo import inspection by the prefectural governor and may not remove them until they have been verified as being in conformity with the technical standards specified by an Ordinance of METI (hereinafter referred to as "technical standards for import inspection" in this Article); provided, however, that this shall not apply in the following cases:
  - (i) When the imported high pressure gas and the container therefor are subjected to import inspection to be conducted by the Institute or a person designated by the Minister of METI (hereinafter referred to as "Designated Import Conformity Inspection Body") as specified by an Ordinance of METI and when they are verified as being in conformity with the technical standards for import inspection and when this is notified to the prefectural governor;
  - (ii) When the high pressure gas is imported by unloading through pipeline from a ship;
  - (iii) When the high pressure gas in shock-absorbers specified by an Ordinance of METI is imported; or
  - (iv) In addition to what is listed in the preceding two items, cases specified by an Ordinance of METI as having no risk of interfering with the maintenance of public safety and the prevention of disasters.
- (2) When the Institute or a Designated Import Conformity Inspection Body has

conducted import inspection set forth in the preceding paragraph, it shall report the results to the prefectural governor without delay.

- (3) When the prefectural governor finds that the high pressure gas imported or the containers therefor do not conform with technical standards for import inspection, the prefectural governor may order such importer of the high pressure gas to dispose of the high pressure gas and the containers therefor or to take other necessary measures.
- (4) The method of import inspection to be conducted by the prefectural governor, the Institute or a Designated Import Conformity Inspection Body in paragraph (1) shall be specified by an Ordinance of METI.

#### Article 23 (Transportation)

- (1) In transporting high pressure gas, the necessary safety measures as specified by an Ordinance of METI shall be taken with respect to the containers therefor.
- (2) In transporting high pressure gas in a vehicle (meaning a road transportation vehicle provided in paragraph (1) of Article 2 of the Road Vehicles Act (Act No. 185 of 1951)), the technical standards provided by an Ordinance of METI shall be complied with as to the methods of loading and transportation.
- (3) As for the pipeline transportation of high pressure gas, such pipeline shall be installed and maintained in accordance with the technical standards specified by an Ordinance of METI; provided, however, that this shall not apply to the pipeline transportation of high pressure gas as performed by a Class 1 Producer in accordance with the terms of permission under paragraph (1) of Article 5.

#### Article 24 (Setting-up, etc. of Domestic-Use Equipment)

The work of setting up or changing the equipment for providing general consumers with compressed natural gas for their daily use (limited to such gas as filled in a container with an internal volume of less than 120 liters and not less than 20 liters) shall be undertaken in accordance with the technical standards specified by an Ordinance of METI.

#### Article 24-2 (Consumption)

- (1) In the event that any person consumes compressed monosilane, compressed diborane, liquefied arsine or other high pressure gases specifically specified in a Cabinet Order as requiring special care for the prevention of accidents in their consumption, or liquid oxygen and other types of high pressure gases specifically specified in a Cabinet Order as requiring special care for the maintenance of public safety or for the prevention of accidents with respect to the storage and consumption of a certain quantity of such gas(es) (all gases herein referred to are hereinafter collectively referred to as "Specific High Pressure Gases"), the

consumer (limited to anyone whose storage facilities of Specific High Pressure Gases for consumption have a storage capacity of not or less the quantity specified by a Cabinet Order for each type of Specific High Pressure Gas or anyone who is supplied with such Specific High Pressure Gas for consumption through a pipeline from a place of business other than those involved in the consumption of Specific High Pressure Gas; the same shall apply hereinafter) shall report to the prefectural governor for each place of business no later than 20 days prior to commencement of consumption, together with documents showing the type of Specific High Pressure Gas to be consumed, the location, construction and equipment of the facilities for consumption (including storage for consumption and pipeline transportation; the same shall apply hereinafter in this paragraph) and the method of consumption.

- (2) The provision of Article 10-2 shall apply mutatis mutandis to a consumer of Specific High Pressure Gases (hereinafter referred to as "Specific High Pressure Gas Consumer").

#### Article 24-3

- (1) A Specific High Pressure Gas Consumer shall maintain the facilities for consumption (including storage for consumption and pipeline transportation; the same shall apply hereinafter) so as to keep the location, construction and equipment therefor in conformity with the technical standards specified by an Ordinance of METI.
- (2) A Specific High Pressure Gas Consumer shall consume Specific High Pressure Gases in accordance with the technical standards specified by an Ordinance of METI.
- (3) When the prefectural governor finds that the facilities for consumption or the method of consumption of a Specific High Pressure Gas Consumer are not in conformity with the technical standards under the preceding two paragraphs, he may order the Specific High Pressure Gas Consumer to repair, alter or remove the facilities for consumption so as to conform with such technical standards or to consume the Specific High Pressure Gases in accordance with such technical standards.

#### Article 24-4

- (1) Any Specific High Pressure Gas Consumer who intends to implement any changes in the location, construction or equipment of the facilities for consumption or who intends to change the type of Specific High Pressure Gases to be consumed or the method of consumption thereof shall submit a report of such changes to the prefectural governor in advance; provided, however, that this shall not apply to minor changes specified by an Ordinance of METI with respect to the location,



construction or equipment of the facilities for consumption.

- (2) Upon the discontinuation of the consumption of Specific High Pressure Gases, a Specific High Pressure Gas Consumer shall submit a report thereof to the prefectural governor without delay.

#### Article 24-5

In addition to what is provided for in the preceding three Articles, the consumption of high pressure gases specified by an Ordinance of METI shall be conducted in accordance with the technical standards specified by an Ordinance of METI with respect to the method of consumption including the place of consumption and quantity.

#### Article 25 (Disposal)

The disposal of high pressure gases specified by an Ordinance of METI shall be conducted in accordance with the technical standards specified by an Ordinance of METI with respect to the method of disposal including the place of disposal and quantity.

#### Article 25-2 (Mandate to an Ordinance of METI)

In addition to what is provided for in this Chapter, the procedure to be taken to obtain permission for production of high pressure gases, the procedure to be taken for completion inspection and other necessary procedural matters for carrying out the provisions of this Chapter shall be prescribed by an Ordinance of METI.

### **Chapter III Safety**

#### Article 26 (Hazard Prevention Rule)

- (1) A Class 1 Producer shall draw up a Hazard Prevention Rule describing the items specified by an Ordinance of METI and shall submit a notification report thereof to the prefectural governor pursuant to the provision of the Ordinance of METI. The above notification shall be required likewise for any alteration being made to such Hazard Prevention Rule.
- (2) The prefectural governor may issue an order to improve the Hazard Prevention Rule when he/she finds such improvement necessary for the maintenance of public safety or the prevention of disasters.
- (3) A Class 1 Producer and his/her employees shall observe the Hazard Prevention Rule.
- (4) In the event a Class 1 Producer or his/her employees do not observe the Hazard Prevention Rule, the prefectural governor may order or recommend the Class 1 Producer to observe the Hazard Prevention Rule or to take necessary measures to

make his/her employees observe the Hazard Prevention Rule when the prefectural governor finds such measures necessary for the maintenance of public safety or the prevention of disasters.

Article 27 (Safety Training)

- (1) A Class 1 Producer shall prepare a Safety Training Program for his/her employees.
- (2) The prefectural governor may issue an order to improve the Safety Training Program set forth in the preceding paragraph when he/she finds the Program inappropriate for the maintenance of public safety or the prevention of disasters.
- (3) A Class 1 Producer shall conscientiously implement the Safety Training Program.
- (4) Any Class 2 Producer, owner or possessor of a Class 1 Storage Place or Class 2 Storage Place, Dealer or Specific High Pressure Gas Consumer (referred to as "Class 2 Producer, etc." in the following paragraph) shall provide their employees with safety training.
- (5) When the prefectural governor finds that a Class 1 Producer is not conscientiously implementing the Safety Training Program, and finds it necessary for the maintenance of public safety or for the prevention of disasters to do so, or when he/she finds that the safety training provided by a Class 2 Producer, etc. for employees is not sufficient for the maintenance of public safety or for the prevention of disasters, he/she may recommend said Class 1 Producer or Class 2 Producer, etc. to properly implement the Safety Training Program or to provide safety training to employees or improve the contents or method of such safety training, respectively.
- (6) To help prevent accidents and disasters due to high pressure gas, the Institute shall draw up guidelines for the preparation of the Safety Training Program under paragraph (1) or for the provision of the safety training under paragraph (4) for each type of high pressure gas and shall make them public.

Article 27-2 (Safety Controller, Safety Technical Manager and Supervisory Safety Worker)

- (1) The following persons shall appoint a high pressure gas production safety controller (hereinafter referred to as "Safety Controller") for each place of business in accordance with an Ordinance of METI and shall assign him/her to such duties as provided by paragraph (1) of Article 32.
  - (i) A Class 1 Producer who is provided for under item (i) of paragraph (1) of Article 5 (except those otherwise specified by an Ordinance of METI); or
  - (ii) A Class 2 Producer who is provided for under item (i) of paragraph (2) of Article 5 (except those whose daily production of high pressure gas does not exceed the volume specified by an Ordinance of METI for each type of gas

- specified by an Ordinance of METI or other persons specified by an Ordinance of METI).
- (2) The Safety Controller so appointed shall be one who generally manages businesses at such place of business.
  - (3) A person referred to in item (i) or (ii) of paragraph (1) shall, for each place of business and in accordance with an Ordinance of METI, appoint a high pressure gas production safety technical manager (hereinafter referred to as "Safety Technical Manager") from among the holders of a high pressure gas production safety management certificate (hereinafter referred to as "Production Safety Management Certificate") who has experience of producing the high pressure gas(es) specified by an Ordinance of METI and assign him/her to such duties as prescribed by paragraph (2) of Article 32; provided, however, that this shall not apply when the Safety Controller of said place of business is a holder of a Production Safety Management Certificate as specified by an Ordinance of METI and has experience of producing the high pressure gas(es) specified by an Ordinance of METI in accordance with the place of business classification made by an Ordinance of METI or when otherwise provided for by an Ordinance of METI.
  - (4) A person referred to in item (i) or (ii) of paragraph (1) shall, for each division of the facilities for production as divided by an Ordinance of METI and in accordance with an Ordinance of METI, appoint high pressure gas production supervisory safety workers (hereinafter referred to as "Supervisory Safety Workers") from among the holders of a Production Safety Management Certificate who have experience of producing the high pressure gas(es) provided by an Ordinance of METI and assign them to such duties as provided by paragraph (3) of Article 32.
  - (5) Upon the appointment of a Safety Controller in accordance with the provision of paragraph (1), a person referred to in item (i) or (ii) of said paragraph shall submit a notification report thereof to the prefectural governor without delay. The above provision shall be applicable likewise when dismissing the Safety Controller from his/her duties.
  - (6) A person referred to in item (i) or (ii) of paragraph (1) shall submit to the prefectural governor a notification report of the appointment or dismissal of a Safety Technical Manager or Supervisory Safety Workers in accordance with the provisions of paragraph (3) or (4) as specified by an Ordinance of METI.
  - (7) A person referred to in item (i) or (ii) of paragraph (1) shall, in accordance with an Ordinance of METI, make his/her Supervisory Safety Workers take training courses given by the Institute or an Authorized Training Agency under paragraph (3) of Article 31 on the prevention of high pressure gas accidents.

Article 27-3 (Safety Chief and Safety Planning Promoter)

- (1) Those Class 1 Producers referred to in item (i) of paragraph (1) of the preceding

Article whose daily production of high pressure gas is not less than the volume provided by an Ordinance of METI for each type of gas provided by an Ordinance of METI shall, for each division of the facilities for production as divided by an Ordinance of METI and in accordance with an Ordinance of METI, appoint a high pressure gas production safety chief (hereinafter referred to as "Safety Chief") from among the holders of a Production Safety Management Certificate who have experience of producing high pressure gas(es) provided by an Ordinance of METI and assign him/her to such duties as provided by paragraph (4) of Article 32.

- (2) A Class 1 Producer as provided for in the preceding paragraph shall, for each place of business, appoint a high pressure gas production safety planning promoter (hereinafter referred to as "Safety Planning Promoter") from among those with such knowledge and experience of the safety of the production of high pressure gas as specified by an Ordinance of METI and assign him/her to such duties as prescribed by paragraph (5) of Article 32.
- (3) The provision of paragraph (6) of the preceding Article shall apply mutatis mutandis to the appointment or dismissal of a Safety Chief or a Safety Planning Promoter and the provision of paragraph (7) of said Article likewise to the training of such persons.

#### Article 27-4 (Refrigeration Safety Manager)

- (1) The following persons shall, for each place of business and in accordance with an Ordinance of METI, appoint a Refrigeration Safety Manager from among the holders of a Production Safety Management Certificate who have experience of producing high pressure gas(es) provided by an Ordinance of METI and assign him/her to such duties as provided by paragraph (6) of Article 32.
  - (i) A Class 1 Producer who is provided for in item (ii) of paragraph (1) of Article 5 (except those whose facilities for production are those specified by an Ordinance of METI or those otherwise specified by an Ordinance of METI); or
  - (ii) A Class 2 Producer who is provided for in item (ii) of paragraph (2) of Article 5 (except those whose daily refrigeration capacity does not exceed the figure specified by an Ordinance of METI, those whose facilities for production are those specified by an Ordinance of METI or those otherwise specified by an Ordinance of METI).
- (2) The provision of paragraph (5) of Article 27-2 shall apply mutatis mutandis to the appointment or dismissal of a Refrigeration Safety Manager.

#### Article 28 (Sales Safety Chief and Operation Safety Chief)

- (1) A Dealer (limited to a person selling high pressure gases provided by an Ordinance of METI; the same shall apply in Article 34) shall, for each sales location and in accordance with an Ordinance of METI, appoint a high pressure

- gas sales safety chief (hereinafter referred to as "Sales Safety Chief") from among the holders of a Production Safety Manager Certificate or a high pressure gas sales safety chief certificate (hereinafter referred to as "Sales Safety Chief Certificate") who have experience of selling high pressure gas(es) provided by an Ordinance of METI and assign him/her to such duties as provided by paragraph (7) of Article 32.
- (2) Any Specific High Pressure Gas Consumer shall, for each place of business and in accordance with an Ordinance of METI, appoint a Specific High Pressure Gas operation safety chief (hereinafter referred to as "Operation Safety Chief") and assign him/her to such duties as provided by paragraph (8) of Article 32.
- (3) The provision of paragraph (5) of Article 27-2 shall apply mutatis mutandis to the appointment or dismissal of a Sales Safety Chief or an Operation Safety Chief.

Article 29 (Production Safety Management Certificate and Sales Safety Chief Certificate)

- (1) Production Safety Management Certificates shall be classified into Class A Chemical Safety Management Certificates, Class B Chemical Safety Management Certificates, Class C Chemical Safety Management Certificates, Class A Mechanical Safety Management Certificates, Class B Mechanical Safety Management Certificates, Class 1 Refrigeration Safety Manager Certificates, Class 2 Refrigeration Safety Manager Certificates and Class 3 Refrigeration Safety Manager Certificates, while Sales Safety Chief Certificates shall be classified into Class 1 Sales Safety Chief Certificates and Class 2 Sales Safety Chief Certificates.
- (2) The scope of duties that may be performed by a holder of a Production Safety Management Certificate or a Sales Safety Chief Certificate for the safety of production or sale of high pressure gas shall be provided for in an Ordinance of METI for each classification of Production Safety Management Certificates or Sales Safety Chief Certificates given in the preceding paragraph.
- (3) A Production Safety Management Certificate or a Sales Safety Chief Certificate shall only be issued to a person who has passed the high pressure gas production safety management examination (hereinafter referred to as "Production Safety Management Examination") or the high pressure gas sales safety chief examination (hereinafter referred to as "Sales Safety Chief Examination").
- (4) The Minister of METI or the prefectural governor may not issue a Production Safety Management Certificate or a Sales Safety Chief Certificate to a person falling under either of the following items:
- (i) A person who was ordered to return his/her Production Safety Management Certificate or Sales Safety Chief Certificate and for whom 2 years have not passed from such date; or
  - (ii) A person who violated this Act or the LPG Act or an order pursuant to either of the Acts, who was sentenced to punishment severer than a fine, and for whom

2 years have not passed from the date when such person completed or was relieved from the execution thereof.

- (5) Procedural matters concerning the issuance of a Production Safety Management Certificate or Sales Safety Chief Certificate shall be specified by an Ordinance of METI.

#### Article 29-2 (Entrustment of Business to Issue Certificates)

- (1) The Minister of METI and a prefectural governor may, pursuant to a Cabinet Order, entrust the whole or a part of the business regarding the issuance of Production Safety Management Certificates and Sales Safety Chief Certificates provided in Chapter III (except the business regarding the return of Production Safety Management Certificates and Sales Safety Chief Certificates and other businesses provided by a Cabinet Order; these businesses are hereinafter referred to as "the Business to Issue Certificates") to a juridical person provided by an Ordinance of METI.
- (2) Current or past officials or staff members of a juridical person entrusted with the Business to Issue Certificates under the provision of the preceding paragraph shall not leak any secrecy which comes to their knowledge regarding the Business to Issue Certificates in connection with said entrustment.

#### Article 30

In the event that a holder of a Production Safety Management Certificate or a Sales Safety Chief Certificate has violated this Act, the LPG Act or an order pursuant to either Act, the Minister of METI or the prefectural governor may order him/her to return his/her Production Safety Management Certificate or Sales Safety Chief Certificate.

#### Article 31 (Production Safety Management Examination and Sales Safety Chief Examination)

- (1) The Production Safety Management Examination or the Sales Safety Chief Examination shall be conducted with respect to such knowledge and skills as are necessary for the production or sale of high pressure gas and the prevention of accidents due to high pressure gas.
- (2) The Production Safety Management Examination or the Sales Safety Chief Examination shall be conducted by the Minister of METI or prefectural governors at least once a year for each classification of the Production Safety Management Certificates or the Sales Safety Chief Certificates as provided in paragraph (1) of Article 29.
- (3) Persons who have finished the training courses conducted under an Ordinance of METI by the Institute or by a training agency designated by the Minister of METI

(hereinafter referred to as "Designated Training Agency") shall be exempt from the whole or a part of the Production Safety Management Examination or the Sales Safety Chief Examination in accordance with an Ordinance of METI.

- (4) In addition to what is provided for in the preceding three paragraphs, test subjects, application procedures and other particulars for such examinations as well as details for designation in the preceding paragraph shall be specified by an Ordinance of METI.

#### Article 31-2

- (1) The Minister of METI (or prefectural governors in the case where the duties which fall under the authority of the Minister of METI pursuant to the provision of paragraph (2) of the preceding Article are performed by prefectural governors as specified by a Cabinet Order pursuant to the provision of Article 78-4; the same shall apply in the following paragraph) or prefectural governors may consign the clerical work relating to the implementation of the Production Safety Management Examination or the Sales Safety Chief Examination (hereinafter referred to as "examination service"), either wholly or partially, to the Institute or an Examining Body designated by the Minister of METI (hereinafter referred to as "Designated Examining Body" except in the case of items (vi-iii) of Article 59-9) in accordance with an Ordinance of METI.
- (2) The Minister or prefectural governors shall not conduct the examination service, either wholly or partially, once such service has, either wholly or partially, been consigned to the Institute or a Designated Examining Body in accordance with the preceding paragraph.
- (3) Once a prefectural governor (including a prefectural governor who performs the duties which fall under the authority of the Minister of METI pursuant to the provision of paragraph (2) of the preceding Article as specified by a Cabinet Order pursuant to the provision of Article 78-4; the same shall apply in the following paragraph, paragraph (2) of Article 58-6, paragraph (2) of Article 59-30-2 and paragraph (2) of Article 74-2) has decided to consign the examination service in accordance with paragraph (1) to the Institute or a Designated Examining Body or dismiss them from such examination service he/she has once decided to entrust to them, the prefectural governor shall report such decision to the Minister of METI.
- (4) In the event that a prefectural governor decides to dismiss the Institute or a Designated Examining Body from the examination service which he/she once consigned in accordance with paragraph (1), the prefectural governor shall notify the Institute or the Designated Examining Body to that effect at least 6 months prior thereto.

#### Article 32 (Duties, etc. of Safety Controller, etc.)

- (1) A Safety Controller shall generally manage all work in relation to the safety of production of high pressure gas.
- (2) A Safety Technical Manager shall assist the Safety Controller and manage technical matters in relation to the safety of production of high pressure gas.
- (3) A Supervisory Safety Worker shall manage the maintenance of the facilities for production, monitoring of the method of production or such other technical matters in relation to the safety of production of high pressure gas specified by an Ordinance of METI.
- (4) A Safety Chief shall assist a Safety Technical Manager (in the case of place of business where no Safety Technical Manager is appointed, shall assist a Safety Controller with respect to technical matters in the safety of production of high pressure gas) and shall lead Supervisory Safety Workers.
- (5) A Safety Planning Promoter shall assist a Safety Controller in planning and maintaining the Hazard Prevention Rule, planning and promoting the Safety Training Program and such other work in relation to the safety of production of high pressure gas as specified by an Ordinance of METI.
- (6) A Refrigeration Safety Manager shall manage the work in relation to the safety of production of high pressure gas.
- (7) A Sales Safety Chief shall manage the work in relation to the safety of sale of high pressure gas.
- (8) An Operation Safety Chief shall manage the work in relation to the safety of consumption of Specific High Pressure Gases.
- (9) A Safety Controller, Safety Technical Manager, Supervisory Safety Worker, Safety Chief, Safety Planning Promoter, Refrigeration Safety Manager, Sales Safety Chief and Operation Safety Chief shall conscientiously perform their duties.
- (10) Persons engaged in the production or sale of high pressure gas or the consumption of Specific High Pressure Gases shall observe instructions given by a Safety Controller, Safety Technical Manager, Supervisory Safety Worker, Safety Chief, Refrigeration Safety Manager, Sales Safety Chief or Operation Safety Chief to ensure the enforcement of this Act or orders pursuant thereto or the Hazard Prevention Rule.

Article 33 (Deputies for Safety Controller, etc.)

- (1) A person listed in item (i) or (ii) of paragraph (1) of Article 27-2 or item (i) or (ii) of paragraph (1) of Article 27-4 shall, in accordance with an Ordinance of METI, appoint in advance deputies for the Safety Controller, Safety Technical Manager, Supervisory Safety Worker, Safety Chief, Safety Planning Promoter or Refrigeration Safety Manager (hereinafter referred to collectively as "Safety Controller, etc.") to act on behalf of the Safety Controller, etc. when they are prevented from performing their duties on account of a trip, sickness or any other



incident. In this case, deputies for the Safety Technical Manager, Supervisory Safety Worker, Safety Chief or Refrigeration Safety Manager shall be appointed, pursuant to an Ordinance of METI, from among the holders of a Production Safety Management Certificate who have experience of producing high pressure gas(es) specified by an Ordinance of METI and a deputy for the Safety Planning Promoter shall be appointed from among those with such knowledge and experience in the safety of production of high pressure gas specified by the Ordinance of METI under paragraph, (2) of Article 27-3.

- (2) Deputies set forth in the preceding paragraph shall, when performing the duties of the Safety Controller, etc., be regarded as the Safety Controller, etc. with regard to the application of the provisions of this Act.
- (3) The provision of paragraph (5) of Article 27-2 shall apply mutatis mutandis to the appointment or dismissal of deputies under paragraph (1).

#### Article 34 (Order to Dismiss Safety Controller, etc.)

When a prefectural governor finds that a Safety Controller, etc. or any deputy thereof, a Sales Safety Chief or an Operation Safety Chief has violated any provision of this Act or any order pursuant thereto, or he/she finds a risk of their performance of duty interfering with the maintenance of public safety or the prevention of disasters, the prefectural governor may order a person listed in item (i) or (ii) of paragraph (1) of Article 27-2 or item (i) or (ii) of paragraph (1) of Article 27-4, Dealer or Specific High Pressure Gas Consumer to dismiss such Safety Controller, etc., deputy thereof, Sales Safety Chief or Operation Safety Chief.

#### Article 35 (Safety Inspection)

- (1) With respect to facilities for production which may have the possibility of explosion or other disasters due to high pressure gas (limited to those facilities designated by an Ordinance of METI; hereinafter referred to as "Designated Facilities"), a Class 1 Producer shall subject his/her Designated Facilities, periodically and in accordance with the provisions of an Ordinance of METI, to a safety inspection conducted by the prefectural governor; provided, however, that this shall not apply to either of the following cases:
  - (i) When the safety inspection of Designated Facilities specified by an Ordinance of METI has been conducted by the Institute or an agency designated by the Minister (hereinafter referred to as "Designated Safety Conformity Inspection Body") pursuant to the provisions of an Ordinance of METI and a notification report thereof has been submitted to the prefectural governor; or
  - (ii) When a person accredited by the Minister of METI as qualified to implement the safety inspection of Designated Equipment by himself (hereinafter referred to as "Accredited Safety Inspection Executor") submits to the prefectural

governor in accordance with the provision of paragraph (2) of Article 39-11 inspection records regarding Designated Facilities for which the accreditation for safety inspection is given.

- (2) The safety inspection set forth in the preceding paragraph shall be conducted to determine whether or not the Designated Facilities conform with the technical standards under item (i) of Article 8.
- (3) The Institute or the Designated Safety Conformity Inspection Body which conducted the safety inspection as provided for in item (i) of paragraph (1) shall report its result to the prefectural governor without delay.
- (4) The method of safety inspection to be conducted by the prefectural governor, the Institute or a Designated Safety Conformity Inspection Body under paragraph (1) shall be specified in an Ordinance of METI.

#### Article 35-2 (Periodical Self Inspection)

With respect to facilities for production or consumption specified by an Ordinance of METI, Class 1 Producers, Class 2 Producers using equipment accredited under paragraph (2) of Article 56-7, Class 2 Producers whose daily production volume of high pressure gas exceeds the value specified by an Ordinance of METI for each type of gas specified by an Ordinance of METI (or the value of daily refrigerating capacity specified by an Ordinance of METI for persons provided for in item (ii) of paragraph (2) of Article 5) or Specific High Pressure Gas Consumers shall, in accordance with the provisions of an Ordinance of METI, conduct self inspections periodically for safety and shall manufacture and keep inspection records thereof.

#### Article 36 (Measures Taken to Prevent Disaster, and Reporting)

- (1) Whenever any facilities for the production of high pressure gas, storage place of high pressure gas, facilities for the sale of high pressure gas, facilities for the consumption of Specific High Pressure Gas or any container filled with high pressure gas fall into a dangerous state, the owner or possessor of such facilities, storage place or container shall promptly take immediate measures specified by an Ordinance of METI to prevent disasters.
- (2) Any person finding the situation described set forth in the preceding paragraph shall immediately report it to the prefectural governor, a police official or a fire officer, a member of a fire-fighting team or a maritime safety officer.

#### Article 37 (Restricted Use of Fire and Flammable Materials)

- (1) No person in place of business under paragraph (1) or (2) of Article 5, a Class 1 or Class 2 Storage Place, a sales location under Article 20-4 (except a sales location under item (ii) of said Article), place of business under paragraph (1) of Article 24-2 or sales location under item (ii) of paragraph (2) of Article 3 of the LPG Act

shall use fire in places designated by a Class 1 or 2 Producer, an owner or possessor of a Class 1 or Class 2 Storage Place, a Dealer, a Specific High Pressure Gas Consumer, or a LPG Dealer under paragraph (1) of Article 6 of the LPG Act.

- (2) No person with any flammable material shall enter places prescribed in the preceding paragraph without the consent of a Class 1 or 2 Producer, owner or possessor of a Class 1 or Class 2 Storage Place, Dealer, Specific High Pressure Gas Consumer, or LPG Dealer under Article 6 of the LPG Act.

Article 38 (Revocation of Permission, etc.)

- (1) When any Class 1 Producer or owner or possessor of a Class 1 Storage Place falls under any of the following items, the prefectural governor may revoke permission under paragraph (1) of Article 5 or paragraph (1) of Article 16 or order him/her to suspend production or storage for a specified period; provided, however, that item (6) below shall not apply to any owner or possessor of a Class 1 Storage Place:
- (i) When he/she has violated an order pursuant to paragraph (3) of Article 11, paragraph (2) of Article 15, paragraph (3) of Article 18, paragraph (2) or (4) of Article 26, paragraph (2) of Article 27, Article 34 or item (i) or (iii) of Article 39 or prohibition or restriction pursuant to the provision of Article 39, item (ii);
  - (ii) When he/she has performed, without the required permission, a matter for which permission is required pursuant to the provisions of paragraph (1) of Article 14 or paragraph (1) of Article 19;
  - (iii) When he/she has used the facilities for production of high pressure gas or a Class 1 Storage Place without undergoing completion inspection under paragraph (1) or (3) of Article 20;
  - (iv) When he/she has violated the provision of paragraph (1), (3), (4) or (7) of Article 27-2 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of Article 27-3), paragraph (1) or (2) of Article 27-3 or paragraph (1) of Article 27-4;
  - (v) When he/she has violated the condition of permission under paragraph (1) of Article 65; or
  - (vi) When he/she comes under items (ii) to (iv) inclusive of Article 7.
- (2) When a Class 2 Producer, an owner or possessor of a Class 2 Storage Place, Dealer or Specific High Pressure Gas Consumer comes under either of the following items, the prefectural governor may order him/her to suspend production, storage, sale or consumption for a specified period:
- (i) When he/she has violated any order pursuant to paragraph (3) of Article 12, paragraph (2) of Article 15, paragraph (3) of Article 18, paragraph (2) of Article 20-6, paragraph (3) of Article 24-3, Article 34 or item (i) or (iii) of Article 39 or prohibition or restriction pursuant to the provision of item (ii) of said Article; or
  - (ii) When he/she has violated the provision of paragraph (1) or (2) of Article 28.

#### Article 39 (Emergency Measures)

The Minister of METI or the prefectural governor may take the following measures when he/she finds it urgently necessary for the maintenance of public safety or the prevention of disasters:

- (i) To order a Class 1 or 2 Producer, an owner or possessor of a Class 1 or Class 2 Storage Place, Dealer, Specific High Pressure Gas Consumer or LPG Dealer under Article 6 of the LPG Act or filler under paragraph (3) of Article 37-4 of the LPG Act to temporarily suspend, in whole or part, the use of the facilities for production, Class 1 or Class 2 Storage Place, sales locations or facilities for consuming Specific High Pressure Gas;
- (ii) To temporarily prohibit/restrict a Class 1 or 2 Producer, an owner or possessor of a Class 1 or Class 2 Storage Place, Dealer, Specific High Pressure Gas Consumer, LPG Dealer under Article 6 of the LPG Act, a filler under paragraph (3) of Article 37-4 of the LPG Act, or any other person handling high pressure gas from the production, delivery, storage, transportation, consumption or disposal; or
- (iii) To order the owner or possessor of a high pressure gas or a container therefor to dispose of or change the location of such gas or container.

### **Chapter III-2 Accreditation Regarding Completion Inspection and Safety Inspection**

#### Article 39-2 (Accreditation Regarding Completion Inspection)

- (1) The accreditation provided for in item (ii) of paragraph (3) of Article 20 shall be made following an application filed by a Class 1 Producer or an owner or possessor of a Class 1 Storage Place who intends to conduct completion inspection regarding the Designated Alteration Work (limited to the types of work specified by an Ordinance of METI; the same shall apply throughout this Chapter) by himself for each of the place of business under paragraph (1) of Article 5 or Class 1 Storage Places pursuant to the provisions of an Ordinance of METI.
- (2) The application referred to set forth in the preceding paragraph shall be made with a clear description of the Designated Alteration Work for which completion inspection by himself is intended.

#### Article 39-3 (Accreditation Criteria, etc. Regarding Completion Inspection)

- (1) The Minister of METI shall not confer the accreditation unless he/she finds that the application made under paragraph (1) of the preceding paragraph falls under any of the following items:
  - (i) The organization to conduct the completion inspection of the Designated Alteration Work conforms the criteria specified by an Ordinance of METI.

- (ii) Codes specifying the method of completion inspection of the Designated Alteration Work (hereinafter referred to as "Completion Inspection Codes") have been prepared and the method of the completion inspection specified therein conforms the method specified by the Ordinance of METI referred to in paragraph (5) of Article 20.
  - (iii) Persons who have the knowledge and experience to conform the conditions specified by an Ordinance of METI will conduct the completion inspection of the Designated Alteration Work and the number of such persons is not less than the number specified by an Ordinance of METI.
- (2) A person who has made an application provided for in paragraph (1) of the preceding Article shall undergo inspection by the Minister of METI regarding the organization for completion inspection and the method of completion inspection of the Designated Alteration Work; provided, however, that this shall not apply when the application under said paragraph is accompanied by the document referred to in paragraph (2) of Article 39-7.

Article 39-4 (Accreditation Regarding Safety Inspection)

- (1) The accreditation provided for in item (ii) of paragraph (1) of Article 35 shall be made following an application filed by a Class 1 Producer who intends to conduct a safety inspection regarding the Designated Facilities (limited to those specified by an Ordinance of METI; the same shall apply throughout this Chapter) by himself for each of the place of business under paragraph (1) of Article 5 pursuant to the provision of an Ordinance of METI.
- (2) The application referred to set forth in the preceding paragraph shall be made with a clear description of the Designated Facilities for which the safety inspection by himself/herself is intended.

Article 39-5 (Accreditation Criteria, etc. Regarding Safety Inspection)

- (1) The Minister shall not confer the accreditation unless he/she finds the application made under paragraph (1) of the preceding Article falls under any of the following items.
- (i) The organization to conduct the safety inspection of the Designated Facilities conforms the criteria specified by an Ordinance of METI.
  - (ii) Codes specifying the method of safety inspection of the Designated Facilities (hereinafter referred to as "Safety Inspection Codes") have been prepared and the method of the safety inspection specified therein conforms the method specified by the Ordinance of METI referred to in paragraph (4) of Article 35.
  - (iii) Persons who have the knowledge and experience to conform the conditions specified by an Ordinance of METI will conduct the safety inspection of the Designated Facilities and the number of such persons is not less than the

number specified by an Ordinance of METI.

- (2) A person who has made an application provided for in paragraph (1) of the preceding Article shall undergo inspection by the Minister of METI regarding the organization for safety inspection and the method of safety inspection of the Designated Facilities; provided, however, that this shall not apply when the application under said paragraph is accompanied by the document referred to in paragraph (4) of Article 39-7.

#### Article 39-6 (Disqualification Clause)

- (1) Any person falling under any of the following items shall be disqualified from receiving accreditation under item (ii) of paragraph (3) of Article 20 and item (ii) of paragraph (1) of Article 35:
  - (i) A person for whom two years have not yet passed from the date of commencement of production of high pressure gas;
  - (ii) A Class 1 Producer for whom two years have not yet passed from the date of an accident involving high pressure gas at his/her place of business;
  - (iii) An owner or possessor of a Class 1 Storage Place for whom two years have not yet passed from the date of an accident involving high pressure gas at his/her Class 1 Storage Place;
  - (iv) A person for whom two years have not yet passed from the date of his/her completing the execution period of a punishment, severer than a fine, imposed for his/her violation of this Act or provision of an order pursuant to this Act, or from the date of such execution becoming invalid;
  - (v) A person for whom two years have not yet passed from the date of revocation of accreditation under item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35 pursuant to the provision of paragraph (1) of Article 39-12; or
  - (vi) A juridical person, any of whose officials assigned to conduct the business falls under either of the preceding item (iv) or item (v).
- (2) The provision of item (i) of the preceding paragraph shall not apply to a person who has received the delivery of the whole or a part of the facilities for production from a Class 1 Producer and who has been conferred the permission under paragraph (1) of Article 5, if two years have passed since the date of notification of the commencement of production of high pressure gas by said Class 1 Producer at said facilities pursuant to the provision of paragraph (1) of Article 21.

#### Article 39-7 (Investigation by the Institute, etc.)

- (1) A Class 1 Producer or the owner or possessor of a Class 1 Storage Place may request the Institute or a person designated by the Minister of METI to conduct an investigation on the organization and method of completion inspection at the place

of business under paragraph (1) of Article 5 or at a Class 1 Storage Place in relation to the application for accreditation referred to in item (ii) of paragraph (3) of Article 20.

- (2) When the Institute or a person designated by the Minister of METI in the preceding paragraph finds that the organization for completion inspection and method of completion inspection at the place of business under paragraph (1) of Article 5 or a Class 1 Storage Place for which it has conducted the investigation referred to in said paragraph conform the criteria specified by the Ordinance of METI referred to in item (i) of paragraph (1) of Article 39-3 and the method of inspection specified by the Ordinance of METI referred to in paragraph (5) of Article 20, it shall issue a document to that effect.
- (3) A Class 1 Producer may request the Institute or a person designated by the Minister of METI to conduct an investigation on the organization for safety inspection and the method of safety inspection at the place of business under paragraph (1) of Article 5 in relation to the application for accreditation referred to in item (ii) of paragraph (1) of Article 35.
- (4) When the Institute or a person designated as referred to in the preceding paragraph finds that the organization for safety inspection and method of safety inspection at the place of business under paragraph (1) of Article 5 for which it has conducted the investigation referred to in said paragraph conform the criteria specified by the Ordinance of METI referred to in item (i) of paragraph (1) of Article 39-5 and the method of inspection specified by the Ordinance of METI referred to in paragraph (iv) of Article 35, it shall issue a document to that effect.

#### Article 39-8 (Renewal of Accreditation)

- (1) The accreditation referred to in item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35 shall cease to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) The provisions of Article 39-2, Article 39-3 and paragraphs (1) and (2) of the preceding Article shall apply mutatis mutandis to the renewal of accreditation provided for in item (ii) of paragraph (3) of Article 20.
- (3) The provisions of Article 39-4, Article 39-5 and paragraphs (3) and (4) of the preceding Article shall apply mutatis mutandis to the renewal of accreditation provided for in item (ii) of paragraph (1) of Article 35.

#### Article 39-9 (Notification Report of Change)

- (1) An Accredited Completion Inspection Executor shall inform any change which has taken place to the organization for completion inspection or method of completion inspection to the Minister of METI without delay.

- (2) An Accredited Safety Inspection Executor shall report any change which has taken place to the organization for safety inspection or the method of safety inspection to the Minister of METI without delay.

#### Article 39-10 (Duty of Accredited Persons)

- (1) When an Accredited Completion Inspection Executor executes an accredited completion inspection regarding the Designated Alteration Work, he/she shall follow the Completion Inspection Codes and shall assign the work of completion inspection to a person with the knowledge and experience to conform the conditions specified by the Ordinance of METI under item (iii) of paragraph (1) of Article 39-3.
- (2) An Accredited Completion Inspection Executor shall prepare inspection records describing those items specified by an Ordinance of METI, shall store them and shall promptly submit them to the Minister of METI when so requested by the Minister.
- (3) The provisions of the preceding two paragraphs shall apply mutatis mutandis to an Accredited Safety Inspection Executor. In this case, the phrase "an accredited completion inspection regarding the Designated Alteration Work" in paragraph (1) shall be deemed to be replaced with "safety inspection regarding Designated Facilities", the phrase "Completion Inspection Codes" in paragraph (1) shall be deemed to be replaced with "Safety Inspection Codes" and the phrase "item (iii) of paragraph (1) of Article 39-3" in paragraph (1) shall be deemed to be replaced with "item (iii) of paragraph (1) of Article 39-5".

#### Article 39-11 (Notification Report of Inspection Records)

- (1) When an Accredited Completion Inspection Executor has conducted a completion inspection regarding an accredited Designated Alteration Work in accordance with the method specified by the Ordinance of METI referred to in paragraph (5) of Article 20 and has confirmed that the facilities for production or a Class 1 Storage Place conform the technical standards under item (i) of Article 8 or paragraph (2) of Article 16, he/she shall submit a notification report of the inspection records describing those matters specified by an Ordinance of METI to the prefectural governor.
- (2) When an Accredited Safety Inspection Executor has conducted safety inspection regarding accredited Designated Facilities in accordance with the method specified by the Ordinance of METI referred to in paragraph (4) of Article 35 and has confirmed that the facilities for production conform the technical standards under item (i) of Article 8, he/she shall submit a notification report of the inspection records describing those matters specified by an Ordinance of METI to the prefectural governor.



Article 39-12 (Revocation of Accreditation, etc.)

- (1) In the event that either an Accredited Completion Inspection Executor or Accredited Safety Inspection Executor falls under one of the following items, the Minister of METI may revoke the accreditation under item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35:
  - (i) When an accident caused by high pressure gas takes place at the accredited place of business referred to in paragraph (1) of Article 5 or a Class 1 Storage Place;
  - (ii) When a fire or any other accident which could lead to the occurrence of an accident involving high pressure gas takes place at the accredited place of business referred to in paragraph (1) of Article 5 or a Class 1 Storage Place;
  - (iii) When an emergency measure to prevent the occurrence of an accident specified by the Ordinance of METI referred to in paragraph (1) of Article 36 is not taken or a notification report required under paragraph (2) of said Article is not submitted;
  - (iv) When an order to suspend the production or storage of high pressure gas is issued by the prefectural governor in accordance with the provision of paragraph (1) of Article 38;
  - (v) When a measure is taken by the prefectural governor pursuant to item (i) or (ii) of Article 39;
  - (vi) When it is found that the provision of any item of paragraph (1) of Article 39-3 or any item of paragraph (1) of Article 39-5 is not met;
  - (vii) When a false notification report is submitted under the provision of paragraph (1) or (2) of the preceding Article;
  - (viii) When a request by the Minister of METI to submit inspection records under the provision of paragraph (2) of Article 39-10 (including the cases where applied *mutatis mutandis* pursuant to paragraph (3) of said Article) is not complied with;
  - (ix) When the provision of item (iv) or (vi) of paragraph (1) of Article 39-6 becomes relevant; or
  - (x) When the accreditation under item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35 or its renewal is obtained by fraudulent means.
- (2) When the permission under paragraph (1) of Article 5 or paragraph (1) of Article 16 is revoked pursuant to the provision of paragraph (1) of Article 38, the accreditation under item (ii) of paragraph (3) of Article 20 and item (ii) of paragraph (1) of Article 35 regarding the place of business under paragraph (1) of Article 5 or a Class 1 Storage Place, for which the permission is revoked, shall cease to be effective.

## **Chapter IV Containers, Etc.**

### **Section 1 Containers and Accessories Therefor**

Article 40 Deletion

Article 41 (Method of Manufacture)

- (1) Any person engaging in the business of manufacturing containers to be filled with high pressure gas (such containers are hereinafter referred to simply as "containers" and such person engaging in the business of manufacturing them is referred to as a "container manufacturer" respectively) shall manufacture the containers in accordance with the technical standards specified by an Ordinance of METI.
- (2) In the event that the method of manufacture used by a container manufacturer is found to be failing to conform the technical standards referred to set forth in the preceding paragraph, the Minister of METI may order the container manufacturer to manufacture the containers in accordance with the technical standards.

Article 42 Deletion

Article 43 Deletion

Article 44 (Container Inspection)

- (1) No person who has manufactured or imported containers may transfer or deliver such containers unless they have passed the container inspection conducted by The Minister of METI, the Institute or a Conformity Inspection Body designated by the Minister of METI (hereinafter referred to as "Designated Container Conformity Inspection Body") in accordance with the method specified by an Ordinance of METI and bear the stamping pursuant to paragraph (1) of the following Article or marking plate pursuant to paragraph (2) of said Article to indicate their having successfully passed said inspection; providing, however, that this shall not apply to containers falling under any of the following items:
  - (i) Containers (except those specified by an Ordinance of METI) which are manufactured by a container manufacturer registered under paragraph (1) of Article 49-5 (hereinafter referred to as "Registered Container Manufacturer") and which bear either the stamping under paragraph (1) of Article 49-25 or the marking plate under paragraph (2) of said Article;
  - (ii) Containers (except those specified by the Ordinance of METI referred to in the preceding item) which are manufactured by a manufacturer registered under paragraph (1) of Article 49-31 engaging in the business of manufacturing

containers abroad for their export to Japan (hereinafter referred to as "Registered Foreign Container Manufacturer") and which bear either the stamping under paragraph (1) of Article 49-25 or marking plate under paragraph (2) of said Article that applies mutatis mutandis pursuant to paragraph (2) of Article 49-33;

- (iii) Containers which are manufactured for export or other usages to be specified by an Ordinance of METI; or
  - (iv) Imported containers filled with high pressure gas and which are still filled with high pressure gas.
- (2) A person who intends to undergo container inspection set forth in the preceding paragraph shall declare the type and the pressure of the high pressure gas to be filled therein.
- (3) With respect to containers which were manufactured not for repeated filling but for single filling of high pressure gas (herein referred to as "Non Refillable Containers"), a person who intends to undergo the container inspection pursuant to paragraph (1) shall make it clear that such containers are "Non Refillable Containers".
- (4) With respect to container inspection under paragraph (1), containers shall pass the container inspection if they conform with the applicable standards specified by an Ordinance of METI for each type and pressure of high pressure gases.

#### Article 45 (Stamping or Marking Plate)

- (1) When containers have successfully passed the container inspection, except where such containers are those specified by an Ordinance of METI as inappropriate for stamping, the Minister of METI, the Institute or a Designated Container Conformity Inspection Body shall promptly stamp each of the containers in accordance with an Ordinance of METI.
- (2) When containers have successfully passed the container inspection, if such containers are those specified by the Ordinance of METI set forth in the preceding paragraph, the Minister of METI, the Institute or a Designated Container Conformity Inspection Body shall promptly attach a marking plate to each of the containers in accordance with an Ordinance of METI.
- (3) Except as provided for in the preceding two paragraphs, paragraph (1) of Article 49-25 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-33; the same shall apply to item (iii) of paragraph (1) of the following Article), paragraph (2) of Article 49-25 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-33; the same shall apply to item (iii) of paragraph (1) of the following Article) or paragraph (2) of Article 54, no person shall stamp a container as in paragraph (1) or attach a marking plate thereto as in the preceding paragraph (hereinafter referred to as "stamp, etc.") or

stamp, etc. in a way which can be confused with the proper stamping or attaching of a marking plate.

#### Article 46 (Marking)

- (1) An owner of containers shall clearly mark each of the containers without delay in accordance with an Ordinance of METI in any of the following cases. The same shall apply when the marking has been lost.
  - (i) When a container has been stamped, etc.;
  - (ii) When a container has been stamped pursuant to paragraph (1) of Article 49-25 or a marking plate is attached thereto pursuant to paragraph (2) of said Article; or
  - (iii) When a container bearing a stamp under paragraph (1) of Article 49-25 or a marking plate under paragraph (2) of said Article (hereinafter referred to as "self-inspection stamping, etc.") is imported.
- (2) Any person who has imported containers (except those specified by an Ordinance of METI, only in case those containers are filled with high pressure gas) shall, after such containers have passed the inspection under paragraph (1) of Article 22, clearly mark each of such containers without delay in accordance with the provision of the Ordinance of METI. The same shall apply when the marking has been lost.
- (3) Except as provided for in the preceding two paragraphs or paragraph (3) of Article 54, no person shall mark a container as in the preceding two paragraphs or make any similar marking which can be confused with such marking.

#### Article 47

- (1) Any transferee of containers (except those containers specified by the Ordinance of METI as referred to in paragraph (2) of the preceding Article and those scrapped or otherwise disposed of so that they cannot be used) shall clearly mark each of the containers without delay in accordance with an Ordinance of METI. The same requirement shall apply when the marking has been lost.
- (2) Except as provided for in the preceding paragraph, no person shall mark a container as in said paragraph or make any similar marking which can be confused with such marking.

#### Article 48 (Filling)

- (1) When filling a container (except Non Refillable Containers; the same shall apply throughout this paragraph) with high pressure gas, the container shall conform with all of the following requirements:
  - (i) The container shall be stamped, etc. or shall carry a self inspection stamping, etc.;

- (ii) The container shall bear the marking under paragraph (1) of Article 46;
  - (iii) The container shall be equipped with a valve (valve and other accessories specified by an Ordinance of METI in the case of containers specified by an Ordinance of METI; the same shall apply hereinafter in this item (iii)). If the valve falls under the type of accessories specified by the Ordinance of METI referred to in paragraph (1) of Article 49-2, such valve should have undergone and passed the accessory inspection and have been stamped as required under paragraph (1) of Article 49-3 or paragraph (3) of Article 49-25 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-33; the same shall apply throughout this paragraph, the following paragraph, paragraph (4) and paragraph (2) of Article 49-3) (in the case the period specified by an Ordinance of METI has passed after undergoing the accessory inspection or reinspection or after receiving the stamping under paragraph (3) of Article 49-25 or in the case it is a damaged container, such valve shall have undergone and passed the accessory inspection and have been stamped as required under paragraph (3) of Article 49-4);
  - (iv) In the case of a container fabricated by welding or by other means that could harm the container's conformity with the standards of containers under paragraph (4) of Article 44, such fabrication shall have been performed in accordance with the technical standards specified by an Ordinance of METI; and
  - (v) In the case of a container having been damaged or having passed the period specified by an Ordinance of METI after the preceding container inspection or reinspection or after receiving the self-inspection stamping, etc., such container shall have undergone and passed the container reinspection and have been stamped under paragraph (3) of the following Article or have carried the marking plate under paragraph (4) of said Article.
- (2) When high pressure gas is to be filled into a Non Refillable Container, said Non Refillable Container shall meet all of the following requirements:
- (i) The said container shall be stamped, etc. or shall carry self-inspection stamping, etc.;
  - (ii) The said container shall carry the marking under paragraph (1) of Article 46;
  - (iii) The said container shall be equipped with a valve (valve and other accessories specified by an Ordinance of METI in the case of Non Refillable Containers specified by an Ordinance of METI; the same shall apply hereinafter in this item (iii)). If the valve falls under the type of accessories specified by an Ordinance of METI referred to in paragraph (1) of Article 49-2, said valve should have undergone and passed the accessory inspection and have been stamped as required under paragraph (1) of Article 49-3 or paragraph (3) of Article 49-25; and
  - (iv) No fabrication work has been performed after passing the container inspection

- or receiving the self-inspection stamping, etc.
- (3) No high pressure gas shall be filled again into a Non Refillable Container once filled with high pressure gas or into an imported Non Refillable Container once filled with high pressure gas.
  - (4) The high pressure gas to be filled in the container shall fall under both of the following items:
    - (i) It shall be a high pressure gas of the type indicated by the stamping, etc. or self-inspection stamping, etc. In addition, in the case of compressed gas, its pressure shall not exceed the limit indicated by stamping, etc. or self-inspection stamping, etc. In the case of liquefied gas, its mass shall not exceed the limit calculated under an Ordinance of METI using the internal volume of the container indicated by stamping, etc. or self-inspection stamping, etc.; and
    - (ii) If a valve installed on the container (valve and accessories specified by the Ordinance of METI referred to in item (iii) of paragraph (1) in the case of a container specified by the Ordinance of METI in said item or the valve and accessories specified by the Ordinance of METI referred to in item (iii) of paragraph (2) in the case of a Non Refillable Container specified by the Ordinance of METI in said item) falls under the type of accessories specified by the Ordinance of METI under paragraph (1) of Article 49-2, the gas shall be a high pressure gas of a type consistent with the stamping under paragraph (1) of Article 49-3 or paragraph (3) of Article 49-25. In the case of compressed gas, its pressure shall not exceed the limit indicated by the same stamping. In the case of liquefied gas, its mass shall not exceed the limit calculated under an Ordinance of METI on the basis of the pressure indicated in the same stamping.
  - (5) The provisions of the preceding paragraphs (1), (2) and (4) shall not apply if the Minister of METI finds no risk of danger and grants approval subject to certain conditions and if the filling of high pressure gas is performed in accordance with such conditions.

#### Article 49 (Container Reinspection)

- (1) The reinspection of containers shall be conducted by the Minister of METI, the Institute, a Designated Container Conformity Inspection Body or a person who has registered his/her container reinspection station with the Minister of METI in accordance with the method specified by an Ordinance of METI.
- (2) With respect to the container reinspection, containers shall pass the reinspection if they conform with the applicable standards specified by an Ordinance of METI with respect to the type and pressure of high pressure gas.
- (3) When containers have successfully passed the reinspection, and except where such containers are those specified by the Ordinance of METI referred to in paragraph (1) of Article 45, the Minister of METI, the Institute, a Designated

Container Conformity Inspection Body or a person with a registered container reinspection station shall promptly stamp each of the containers in accordance with an Ordinance of METI.

- (4) When containers have successfully passed the reinspection, and where such containers are those specified by the Ordinance of METI referred to in paragraph (1) of Article 45, the Minister of METI, the Institute, a Designated Container Conformity Inspection Body or a person with a registered container reinspection station shall promptly attach a marking plate on each of the containers in accordance with an Ordinance of METI.
- (5) Except as provided for in the preceding two paragraphs, no person shall stamp a container as in paragraph (3) or attach the marking plate as in the preceding paragraph or anything else confusing therewith.
- (6) The place where a person with a registered container reinspection station conducts the container reinspection shall be a container reinspection station which he/she has registered.

#### Article 49-2 (Accessory Inspection)

- (1) No person who has manufactured or imported valves or other container accessories specified by an Ordinance of METI (hereinafter simply referred to as "accessories" except in Article 59-9) may transfer or deliver such accessories without having them undergo and pass the accessory inspection conducted by the Minister of METI, the Institute or a Designated Container Conformity Inspection Body in accordance with the method specified by an Ordinance of METI and receiving the stamping under paragraph (1) of the following Article to prove the passing of said inspection; provided, however, that this shall not apply to the following accessories:
  - (i) Accessories (except those specified by an Ordinance of METI) which are manufactured by a person registered under paragraph (1) of Article 49-5 engaged in the business of manufacturing accessories (hereinafter referred to as "Registered Accessories Manufacturer") and which bear the stamping under paragraph (3) of Article 49-25;
  - (ii) Accessories (except those specified by the Ordinance of METI referred to in the preceding item) which are manufactured by a manufacturer registered under paragraph (1) of Article 49-31 engaged in the business of manufacturing accessories abroad for their export to Japan (hereinafter referred to as "Registered Foreign Accessories Manufacturer") and which bear the stamping under paragraph (3) of Article 49-25 that applies mutatis mutandis pursuant to paragraph (2) of Article 49-33;
  - (iii) Accessories for export or other usages to be specified by an Ordinance of METI; or

- (iv) Accessories attached to an imported container filled with high pressure gas and still filled with high pressure gas.
- (2) Any person who intends to apply for the accessory inspection set forth in the preceding paragraph shall declare the type and the pressure of the high pressure gas to be filled in the container on which such accessory is to be installed.
- (3) For accessories to be installed on a Non Refillable Container, a person who intends to apply for the accessory inspection under paragraph (1) shall declare that the accessories are to be installed on a Non Refillable Container.
- (4) With respect to the accessory inspection under paragraph (1), accessories shall pass the inspection if they conform with the applicable standards specified by an Ordinance of METI for each type and pressure of high pressure gases.

#### Article 49-3 (Stamping)

- (1) When accessories have successfully passed the inspection thereof, the Minister of METI, the Institute or a Designated Container Conformity Inspection Body shall promptly stamp each of the accessories in accordance with the provision of an Ordinance of METI.
- (2) Except as provided for in the preceding paragraph or paragraph (3) of Article 49-25, no person shall stamp accessories or stamp anything else confusing therewith.

#### Article 49-4 (Accessory Reinspection)

- (1) The reinspection of accessories shall be conducted by the Minister of METI, the Institute, a Designated Container Conformity Inspection Body or a person with a registered container reinspection station in accordance with the method specified by an Ordinance of METI.
- (2) With respect to the accessory reinspection, accessories shall pass the inspection if they conform with the applicable standards specified by an Ordinance of METI for each type and pressure of high pressure gases.
- (3) When accessories have successfully passed the reinspection, the Minister of METI, the Institute, a Designated Container Conformity Inspection Body or a person with a registered container reinspection station shall promptly stamp each of the accessories in accordance with the provision of an Ordinance of METI.
- (4) Except as provided for in the preceding paragraph, no person shall stamp accessories as in said paragraph or stamp anything else confusing therewith.
- (5) The provision of paragraph (6) of Article 49 shall apply mutatis mutandis to any location performing the accessory reinspection.

#### Article 49-5 (Registration of a Manufacturer of Containers, etc.)

- (1) A person who is engaged in the business of manufacturing containers or



accessories may register each of his/her factories or workplace with the Minister of METI in accordance with the category of the manufacturing business of containers or accessories as specified by an Ordinance of METI (hereinafter referred to as "Business Category regarding Containers, etc.").

- (2) Any person who intends to register under the preceding paragraph shall submit a written application letter therefor describing the following items to the Minister of METI:
  - (i) Personal name or business name, address, and, in the case of a juridical person, the personal name of its representative;
  - (ii) Business Category regarding the Containers, etc.;
  - (iii) Name and address of the factory or workplace where said containers or accessories are manufactured;
  - (iv) Name, specification and quantity of equipment which is used for the manufacture of said containers or accessories and which is specified by an Ordinance of METI (hereinafter referred to as "manufacturing equipment for containers, etc.");
  - (v) Name, specification and quantity of equipment which is used for the inspection of said containers or accessories and which is specified by an Ordinance of METI (hereinafter referred to as "inspection equipment for containers, etc."); and
  - (vi) Items which are related to the quality control method and inspection organization of said containers or accessories and which are specified by an Ordinance of METI.
- (3) The written application letter referred to set forth in the preceding paragraph shall be annexed by codes setting forth the method to inspect said containers or accessories (hereinafter referred to as "Inspection Codes for Containers, etc."), drawing(s) of the factory or workplace and other documents specified by an Ordinance of METI.
- (4) A person who has made an application in accordance with the provision of paragraph (2) above shall undergo the inspection by the Minister of METI for the production equipment for containers, etc., the inspection equipment for containers, etc., the quality control method, inspection organization and inspection method referred to in item (v) of Article 49-7 at said factory or workplace; provided, however, that this shall not apply when the application letter referred to in said paragraph is accompanied by the documents referred to in paragraph (2) of Article 49-8.

#### Article 49-6 (Disqualification Clause)

Any person who falls under any of the following items shall be disqualified from registration under paragraph (1) of the preceding Article:

- (i) A person for whom two years have not yet passed from the date of his/her completing the execution period of a punishment, severer than a fine, imposed

for his/her violation of this Act or the provision of an order pursuant to this Act, or from the date of such execution becoming invalid;

- (ii) A person for whom two years have not yet passed from the date of revocation of registration in accordance with the provision of Article 49-17 or paragraph (1) of Article 49-32; or
- (iii) A juridical person, any of whose officials assigned to conduct the business falls under either of the preceding two items.

#### Article 49-7 (Criteria for Registration)

In the event that the Minister of METI finds that an application for registration under paragraph (1) of Article 49-5 falls under any or all of the following items, he/she shall register the applicant:

- (i) The manufacturing equipment for the containers, etc. conforms the technical standards specified by an Ordinance of METI;
- (ii) The inspection equipment for the containers, etc. conforms the technical standards specified by an Ordinance of METI;
- (iii) The quality control method and inspection organization conform the technical standards specified by an Ordinance of METI;
- (iv) Persons who have the knowledge and experience to conform the conditions specified by an Ordinance of METI will conduct the inspection of the containers, etc. and the number of such persons is not less than the number specified by an Ordinance of METI; and
- (v) The inspection method of the containers, etc. specified by the inspection codes for the containers, etc. conforms the method specified by the Ordinance of METI referred to in paragraph (1) of Article 44 or paragraph (1) of Article 49-2.

#### Article 49-8 (Investigation by the Institute)

- (1) A person who is engaged in the business of manufacturing containers or accessories may request the Institute or a person designated by the Minister of METI to conduct an investigation of the manufacturing equipment for the containers, etc., the inspection equipment for the containers, etc., the quality control method, organization for inspection and method of inspection under item (v) of the preceding Article at the factory or workplace in relation to the application for registration referred to in paragraph (1) of Article 49-5.
- (2) When the Institute or a designated person referred to in the preceding paragraph finds that the manufacturing equipment and the inspection equipment for the containers, etc., the quality control method, organization for inspection and method of inspection under item (v) of the preceding Article at the factory or workplace for which the Institute or the designated person has conducted the investigation referred to in said paragraph, conform the respective technical standards specified

by the Ordinance of METI referred to in items (i), (ii) and (iii) of said Article and also conform the method specified by the Ordinance of METI referred to in paragraph (1) of Article 44 or paragraph (1) of Article 49-2, it shall issue a document to that effect.

#### Article 49-9 (Renewal of Registration)

- (1) The registration referred to in paragraph (1) of Article 49-5 shall cease to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) The provisions of paragraphs (2), (3) and (4) of Article 49-5 and the provisions of Article 49-6 to the preceding Article shall apply mutatis mutandis to the renewal of registration provided for in the preceding paragraph.

#### Article 49-10 (Registry of Manufacturers of Containers, etc.)

- (1) The Minister of METI shall set up a register of manufacturers of containers, etc. regarding those registered persons under paragraph (1) of Article 49-5 (hereinafter referred to as "Registered Manufacturers of Containers, etc.") and shall enter the following items in said register:
  - (i) Date(s) of first registration and subsequent renewal(s) and registration number;  
and
  - (ii) Those items referred to in items (i) to (iii) inclusive of paragraph (2) of Article 49-5.

#### Article 49-11 (Registration Certificate)

- (1) Upon effecting the registration under paragraph (1) of Article 49-5 or its renewal, the Minister shall issue a Registration Certificate.
- (2) The Registration Certificate referred to in the preceding paragraph shall have the following entries:
  - (i) Date(s) of first registration and subsequent renewal(s) and registration number;
  - (ii) Personal name or business name and address; and
  - (iii) Business category regarding containers, etc.

#### Article 49-12 (Notification Report of Change)

A Registered Manufacturer of Containers, etc. shall inform any change which has taken place to the matters under item (i) or items (iii) to (vi) inclusive of paragraph (2) of Article 49-5 to the Minister of METI without delay; provided, however, that this shall not apply if such change is of a minor nature as specified by an Ordinance of METI.

Article 49-13 (Correction of Registration Certificate)

In submitting the notification report under the provision of the preceding Article, a Registered Manufacturer of Containers, etc. shall submit the Registration Certificate for correction along with said notification report if there is any change to the entries of the Registration Certificate.

Article 49-14 (Notification Report of Abolition)

A Registered Manufacturer of Containers, etc. shall inform the Minister of METI of the discontinuation of the registered business without delay if said registered business is discontinued.

Article 49-15 (Reissuance of Registration Certificate)

A Registered Manufacturer of Containers, etc. may apply for and obtain the reissuance of the Registration Certificate to the Minister of METI if he/she fouls, damages or loses said Registration Certificate.

Article 49-16 (Loss of Effect of Registration)

When a Registered Manufacturer of Containers, etc. discontinues his/her registered business, said registration shall cease to be effective.

Article 49-17 (Revocation of Registration)

In the event that a Registered Manufacturer of Containers, etc. falls under any of the following items, the Minister of METI may revoke the registration concerned:

- (i) When the provision of paragraph (1) of Article 44, paragraph (3) of Article 45, paragraph (2) of Article 49-3 or Article 49-12 is violated;
- (ii) When the provision of item (i) or (iii) of Article 49-6 becomes relevant;
- (iii) When a prohibition or order in accordance with the provision of paragraph (2) of Article 41, Article 49-26, Article 49-27 or Article 49-30 is violated;
- (iv) When the registration under paragraph (1) of Article 49-5 or its renewal is obtained by fraudulent means; or
- (v) When the valid registration under paragraph (1) of Article 49-31 is revoked.

Article 49-18 (Deletion of Registration)

In the event that the registration of a Registered Manufacturer of Containers, etc. has ceased to be effective, the Minister of METI shall delete said registration.

Article 49-19 (Return of Registration Certificate)

In the event that registration of a Registered Manufacturer of Containers, etc. has ceased to be effective, he/she shall return the Registration Certificate therefor to the Minister of METI without delay.

Article 49-20 (Authenticated Copy of Registry of Manufacturers of Containers, etc.)

Anyone may request the Minister of METI to issue an authenticated copy of the Registry of Manufacturers of Containers, etc. or allow him/her to peruse said registry.

Article 49-21 (Type Approval of Containers or Accessories)

- (1) A Registered Manufacturer of Containers, etc. may obtain approval for the type of container or accessory he/she intends to manufacture from the Minister of METI.
- (2) Anyone who intends to obtain the approval provided for in the preceding paragraph shall submit a written application letter describing the following items to the Minister of METI:
  - (i) Personal name or business name, address and, in the case of a juridical person, the personal name of its representative;
  - (ii) Date(s) of initial registration and subsequent renewal(s); and
  - (iii) Business category of the container or accessory for which registration is sought.
- (3) The written application letter referred to in the preceding paragraph shall be accompanied by containers or accessories for testing purposes, the quantity of which is specified by an Ordinance of METI, a structural drawing, and other documents specified by an Ordinance of METI. However, the submission of a document certifying that the container or accessory for which approval under paragraph (1) is sought has passed the test referred to in paragraph (1) of Article 49-23 shall suffice.

Article 49-22 (Criteria for Approval)

When the Minister of METI finds that an application for approval under paragraph (1) of the preceding Article falls under any and all of the following requirements (item (ii) when said application is accompanied by a document certifying the passing of the test under paragraph (1) of the following Article), he/she shall grant the approval:

- (i) The application-related container or accessory for examination conforms the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories; and
- (ii) The applicant has obtained registration under paragraph (1) of Article 49-5 for the Business Category regarding Containers or Accessories to which the applied container or accessory belongs.

Article 49-23 (Test by Authorized Container Conformity Inspection Body or the Institute)

- (1) A Registered Manufacturer of Containers, etc. may request the Institute or a

Designated Container Conformity Inspection Body to test the container or accessory which he/she intends to manufacture.

- (2) A Registered Manufacturer of Containers, etc. who intends to request the test under the preceding paragraph shall submit to the Institute or a Designated Container Conformity Inspection Body an written application letter describing the following items as well as the containers or accessories of the quantity specified by an Ordinance of METI under paragraph (3) of Article 49-21 and the documents specified by an Ordinance of METI under said paragraph:
  - (i) Personal name or business name, address, and, in the case of a juridical person, personal name of its representative; and
  - (ii) Business Category regarding Containers or Accessories for which the test is applied for.
- (3) In the test referred to in paragraph (1), the containers or accessories for testing are deemed to pass the test if said containers or accessories conform the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories.
- (4) The provisions of paragraphs (2) and (3) of Article 44 and paragraphs (2) and (3) of Article 49-2 shall apply mutatis mutandis to a person intending to submit the written application letter provided for in paragraph (2) of this Article. In this case, the phrase "container inspection under the preceding paragraph" in paragraph (2) of Article 44 shall be deemed to be replaced with "test under paragraph (1) of Article 49-23", the phrase "container inspection under paragraph (1)" in paragraph (3) of said Article shall be deemed to be replaced with "test under paragraph (1) of Article 49-23", the phrase "accessory inspection under the preceding paragraph" in paragraph (2) of Article 49-2 shall be deemed to be replaced with "test under paragraph (1) of Article 49-23" and the phrase "accessory inspection under paragraph (1)" in paragraph (3) of said Article shall be deemed to be replaced with "test under paragraph (1) of Article 49-23".

#### Article 49-24 (Duty to Conform with Standards, etc.)

- (1) When a Registered Manufacturer of Containers, etc. who has obtained the approval under paragraph (1) of Article 49-21 intends to manufacture a container or accessory of the type related to said approval, said container or accessory shall conform the criteria under paragraph (4) of Article 44 or paragraph (4) of Article 49-2 respectively; provided, however, that this shall not apply to the manufacture of a container serving the usages specified by the Ordinance of METI referred to in item (iii) of paragraph (1) of Article 44 or accessory serving the usages specified by the Ordinance of METI referred to in item (iii) of paragraph (1) of Article 49-2 or to manufacture for examination usages.
- (2) A Registered Manufacturer of Containers or Accessories under the preceding

paragraph shall conduct the inspection of the container or accessory as referred to in said paragraph which he/she intends to manufacture (except those to be manufactured under the proviso of said paragraph) in accordance with the inspection codes of the containers or accessories, prepare inspection records and store them.

Article 49-25 (Stamping, etc.)

- (1) In the event that a Registered Manufacturer of Containers who has obtained the approval referred to in paragraph (1) of Article 49-21 has manufactured containers of the type approved, he/she may stamp said containers as specified by an Ordinance of METI if these containers are not containers specified by the Ordinance of METI under paragraph (1) of Article 45.
- (2) In the event that a Registered Manufacturer of Containers who has obtained the approval referred to in paragraph (1) of Article 49-21 has manufactured containers of the type approved, he/she may attach a marking plate to each container as specified by an Ordinance of METI if these containers are those specified by the Ordinance of METI under paragraph (1) of Article 45.
- (3) In the event that a Registered Manufacturer of Containers who has obtained the approval referred to in paragraph (1) of Article 49-21 has manufactured accessories of the type approved, he/she may stamp said accessories as specified by an Ordinance of METI.

Article 49-26 (Prohibition of Stamping, etc.)

In the event that the containers or accessories of the type approved (except those manufactured under the proviso of paragraph (1) of Article 49-24) manufactured by a Registered Manufacturer of Containers, etc. who has received the approval referred to in paragraph (1) of Article 49-21 are deemed not to conform the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories, the Minister of METI may prohibit said Registered Manufacturer of Containers, etc. from the stamping under paragraph (1) or paragraph (3) of the preceding Article or attaching the marking plate under paragraph (2) of said Article for a specified period not exceeding one year when he/she finds that such prohibition is particularly necessary to prevent the occurrence of accidents.

Article 49-27 (Order for Improvement)

The Minister of METI may issue an order to a Registered Manufacturer of Containers, etc. to repair or remodel the manufacturing equipment for the containers, etc. or the inspection equipment for the containers, etc. to improve the quality control method and organization for inspection, to change the inspection codes for

the containers, etc. and to employ whatever measures are deemed necessary under any of the following cases:

- (i) When the manufacturing equipment for the containers, etc. is deemed not to conform the technical standards specified by the Ordinance of METI referred to in item (i) of Article 49-7;
- (ii) When the inspection equipment for the containers, etc. is deemed not to conform the technical standards specified by the Ordinance of METI referred to in item (ii) of Article 49-7;
- (iii) When the quality control method and organization for inspection are deemed not to conform the technical standards specified by the Ordinance of METI referred to in item (iii) of Article 49-7;
- (iv) When the inspection method referred to in item (v) of Article 49-7 is deemed not to conform the method specified by the Ordinance of METI referred to in paragraph (1) of Article 44 or paragraph (1) of Article 49-2;
- (v) When a person who does not have the knowledge and experience to conform the conditions specified by the Ordinance of METI referred to in item (iv) of Article 49-7 is assigned to conduct the inspection of the containers or accessories; or
- (vi) When the provisions of Article 49-24 are deemed to have been violated.

#### Article 49-28 (Loss of Effect of Approval)

When the registration of a Registered Manufacturer of Containers, etc. has ceased to be effective, the approval under paragraph (1) of Article 49-21 regarding said Registered Manufacturer of Containers, etc. shall also cease to be effective.

#### Article 49-29 (Revocation of Approval)

In the event that a Registered Manufacturer of Containers, etc. who has obtained the approval under paragraph (1) of Article 49-21 falls under any of the following items, the Minister may revoke said approval:

- (i) When the provision of paragraph (2) of Article 49-24 is violated;
- (ii) When the prohibition or order provided for in Article 49-26, Article 49-27 or the following Article is violated;
- (iii) When the condition(s) referred to in paragraph (1) of Article 65 is violated; or
- (iv) When the approval under paragraph (1) of Article 49-21 is obtained by fraudulent means.

#### Article 49-30 (Disaster Prevention Order)

In the event that the containers or accessories of the type approved (except those manufactured under the proviso of paragraph (1) of Article 49-24) manufactured by a Registered Manufacturer of Containers, etc. who has received the approval referred to in paragraph (1) of Article 49-21 do not conform the criteria under paragraph (4)



of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories, and the Minister or prefectural governor finds a risk of a disaster involving the high pressure gas filled in said containers or containers equipped with said accessories, the Minister of METI or prefectural governor may issue an order to the Registered Manufacturer of Containers, etc. who has produced said containers or said accessories to recall the containers or accessories manufactured or to take any other measures required to prevent the spread of a disaster involving the high pressure gas filled in said containers or containers equipped with said accessories if such measures are considered necessary, especially to prevent the spread of a disaster.

Article 49-31 (Registration of a Foreign Manufacturer of Containers, etc.)

- (1) A person who is engaged in the business of manufacturing containers or accessories abroad for their export to Japan may register each of his/her factories or workplace with the Minister of METI in accordance with the business category regarding containers or accessories.
- (2) The provisions of paragraphs (2), (3) and (4) of Article 49-5, Articles 49-6 to 49-11 inclusive, Article 49-16, Article 49-18 and Article 49-20 shall apply mutatis mutandis to registration under the preceding paragraph while the provisions of paragraph (3) of Article 45, paragraph (2) of Article 49-3, Articles 49-12 to 49-15 inclusive, Article 49-19, Article 49-23 and Article 49-27 shall apply mutatis mutandis to a person obtaining registration under the preceding paragraph (hereinafter referred to as "Registered Foreign Manufacturer of Containers, etc."). In this case, the phrase "no person" in paragraph (3) of Article 45 and paragraph (2) of Article 49-3 shall be deemed to be replaced with "a Registered Foreign Manufacturer of Containers, etc.", the word "containers" in paragraph (3) of Article 45 shall be deemed to be replaced with "containers to be exported to Japan", the word "accessories" in paragraph (2) of Article 49-3 shall be deemed to be replaced with "accessories to be exported to Japan", the phrase "Registry of Manufacturers of Containers, etc." in Article 49-10 and Article 49-20 shall be deemed to be replaced with "Registry of Foreign Manufacturers of Containers, etc." and the phrase "to issue an order" in Article 49-27 shall be deemed to be replaced with "to demand".

Article 49-32 (Revocation of Registration of a Registered Foreign Manufacturer of Containers, etc. and Other Matters)

- (1) In the event that a Registered Foreign Manufacturer of Containers, etc. falls under any of the following items, the Minister of METI may revoke the registration concerned:
  - (i) When the provision of paragraph (1) of Article 44, paragraph (3) of Article 45

- (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), paragraph (2) of Article 49-3 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article), Article 49-12 which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article or paragraph (2) of Article 49-24 which is applied mutatis mutandis pursuant to paragraph (2) of the following Article is violated;
- (ii) When said Manufacturer comes under the provision of items (i) or (iii) of Article 49-6, which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article;
  - (iii) When the demand issued under the provision of Article 49-27 which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article, or the provision of Article 49-26 or Article 49-30 which is applied mutatis mutandis pursuant to paragraph (2) of the following Article is not complied with;
  - (iv) When the report required of a Registered Foreign Manufacturer of Containers, etc. by the Minister of METI on the former's state of business or finance as specified by a Cabinet Order within the limit necessary for enforcement of this Act is not submitted or when a false report is submitted;
  - (v) When an intended inspection of the account books, documents and other items or questioning of the persons concerned by a staff member of the Ministry of Economy, Trade and Industry assigned by the Minister of METI within the limit necessary for enforcement of this Act at an office, business office, factory, storage place of containers or accessories to be exported to Japan or any other place of business of a Registered Foreign Manufacturer of Containers, etc. is refused, prevented or avoided or no reply is made or a false reply is made to a question posed by said staff member;
  - (vi) When a demand issued by the Minister of METI for the purpose of inspection under the provision of the preceding item to a Registered Foreign Manufacturer of Containers, etc. to submit within a specified period the containers or accessories, the inspection of which by a staff member at their location is deemed extremely difficult to conduct, is not complied with;
  - (vii) When the registration referred to in paragraph (1) of the preceding Article or its renewal is obtained by fraudulent means; or
  - (viii) When the valid registration obtained under paragraph (1) of Article 49-5 is revoked.
- (2) The Government of Japan shall compensate a Registered Foreign Manufacturer of Containers, etc. for the latter's loss caused by a demand made under the provision of item (iv) of the preceding paragraph. In this case, the loss to be compensated shall be the loss which is normally expected to occur as a result of a demand issued under the provision of said item.

Article 49-33 (Type Approval of Containers or Accessories Manufactured by a Registered Foreign Manufacturer of Containers, etc. and Other Matters)

- (1) A Registered Foreign Manufacturer of Containers, etc. may obtain type approval by the Minister of METI for containers or accessories which he/she intends to manufacture for his/her export to Japan.
- (2) The provisions of paragraphs (2) and (3) of Article 49-21 and Articles 49-22 and 49-28 shall apply mutatis mutandis to approval under the preceding paragraph while the provisions of Articles 49-24 to 49-26 inclusive and Article 49-30 shall apply mutatis mutandis to a person obtaining approval under the preceding paragraph. In this case, the phrase "paragraph (1) of Article 49-5" in item (ii) of Article 49-22 shall be deemed to be replaced with "paragraph (1) of Article 49-31", the phrase "a container or accessory of the type related to said approval" in paragraph (1) of Article 49-24 shall be deemed to be replaced with "a container or accessory of the type related to said approval and to be exported to Japan", the phrases "a Registered Manufacturer of Containers" and "containers of the type approved" in paragraphs (1) and (2) of Article 49-25 shall be deemed to be replaced with "a Registered Foreign Manufacturer of Containers" and "containers of the type approved and to be exported to Japan" respectively, the phrases "a Registered Manufacturer of Accessories" and "accessories of the type approved" in paragraph (3) of said Article shall be deemed to be replaced with "a Registered Foreign Manufacturer of Accessories" and "accessories of the type approved and to be exported to Japan" respectively, the phrases "containers or accessories" and "for a specified period" in Article 49-26 shall be deemed to be replaced with "containers or accessories to be exported to Japan" and "containers or accessories to be exported to Japan within a specified period" respectively and the phrase "to issue an order" in Article 49-30 shall be deemed to be replaced with "to demand".

Article 49-34 (Revocation of Approval Regarding a Registered Foreign Manufacturer of Containers, etc.)

In the event a Registered Foreign Manufacturer of Containers, etc. that has been approved under paragraph (1) of the preceding Article falls under any of the following items, the Minister of METI may revoke the approval concerned:

- (i) When the provision of Article 49-12 which is applied mutatis mutandis pursuant to paragraph (2) of Article 49-31 or the provision of paragraph (2) of Article 49-24 which is applied pursuant to paragraph (2) of the preceding Article is violated;
- (ii) When a demand made under the provision of Article 49-27 which is applied mutatis mutandis pursuant to paragraph (2) of Article 49-31, or under the provision of Article 49-26 or Article 49-30 which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is not complied with;

- (iii) When the condition(s) referred to in paragraph (1) of Article 65 is violated; or
- (iv) When the approval under paragraph (1) of the preceding Article is obtained by fraudulent means.

#### Article 49-35 (Accident Prevention Order)

In the event that the containers or accessories of the type approved under paragraph (1) of Article 49-33 (except those manufactured under the proviso of paragraph (1) of Article 49-24 which is applied *mutatis mutandis* pursuant to paragraph (2) of Article 49-33) manufactured by a Registered Foreign Manufacturer of Containers, etc. who has received the approval referred to in paragraph (1) of Article 49-33 do not conform the criteria under paragraph (4) of Article 44 in the case of containers or the criteria under paragraph (4) of Article 49-2 in the case of accessories, and the Minister of METI or prefectural governor finds a risk of occurrence of a disaster involving the high pressure gas filled in said containers or containers equipped with said accessories, the Minister or prefectural governor may issue an order to an importer of said containers or accessories to recall said imported containers or accessories or to take any other measure required to prevent the spread of a disaster involving the high pressure gas filled in said containers or containers equipped with said accessories if such measures are considered necessary, especially to prevent the spread of an accident.

#### Article 50 (Registration of a Container Reinspection Station)

- (1) The registration of a container reinspection station shall cease to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) A person who falls under any of the items of Article 7 or whose registration has been revoked under the provision of Article 53 and for whom 2 years have not passed from the date of revocation shall not be eligible for the registration of a container reinspection station or its renewal.
- (3) Where there is an application for the registration of a container reinspection station or its renewal, the Minister of METI shall effect the registration or renewal thereof if the relevant inspection facilities are deemed to be in conformity with the technical standards specified by an Ordinance of METI.
- (4) When effecting the registration of a container reinspection station or its renewal, the Minister of METI may restrict the type of containers or accessories which can be reinspected in that container reinspection station if it is deemed particularly necessary for the proper implementation of the container reinspection or accessory reinspection.

#### Article 51 (Duties of a Person Who Has Registered His/Her Container Reinspection

Station)

- (1) A person with a registered container reinspection station shall conduct the container reinspection or accessory reinspection without delay, except where there is a justifiable reason, whenever such reinspection is requested.
- (2) A person with a registered container reinspection station shall maintain the inspection facilities thereof so as to conform with the technical standards under paragraph (3) of the preceding Article.

#### Article 52 (Chief Inspector)

- (1) A person with a registered container reinspection station shall, for each container reinspection station, appoint a chief inspector from among those with such knowledge and experience to conform the conditions as specified by an Ordinance of METI, or from among the holders of the Production Safety Management Certificate, and assign him/her to supervise the implementation of container reinspection or accessory reinspection.
- (2) Upon appointment of a chief inspector under the preceding paragraph, a person with a registered container reinspection station shall submit a notification report of such appointment to the Minister of METI without delay. The same shall apply to his/her dismissal.
- (3) A chief inspector shall conscientiously perform his/her duties.
- (4) In the event that a chief inspector has violated any provision of this Act or any order pursuant thereto or that his/her performance of duty is deemed likely to interfere with the proper implementation of the container reinspection or accessory reinspection, the Minister of METI may order the person with a registered container reinspection station to dismiss such chief inspector.

#### Article 53 (Revocation of Registration, etc.)

The Minister of METI may revoke the registration or order a suspension of the reinspection of containers or accessories for a specified period, in the event that a person with a registered container reinspection station falls under any of the following items:

- (i) When he/she falls under items (ii) to (iv) inclusive of Article 7;
- (ii) When he/she violates any provision of paragraphs (3) to (5) inclusive of Article 49, paragraph (3) or (4) of Article 49-4, Article 51 or paragraph (1) of the preceding paragraph;
- (iii) When he/she violates the restriction under paragraph (4) of Article 50 or the order under the provision of paragraph (4) of the preceding Article;
- (iv) When he/she fails to keep the books as required under paragraph (1) of Article 60 or makes a fraudulent description therein; or
- (v) When the permission under paragraph (1) of Article 5 given to a person with a

registered container reinspection station has been revoked subject to any provision of items (i) to (v) inclusive of paragraph (1) of Article 38, provided that he/she is a Class 1 Producer.

Article 54 (Change in the Type or Pressure of High Pressure Gas to be Filled in Containers)

- (1) An owner of a container who intends to change the type or pressure of the high pressure gas to be filled therein shall apply to the Minister of METI, the Institute or a Designated Container Conformity Inspection Body for the stamping, etc.
- (2) Where there is an application under the preceding paragraph and the container after such change is deemed to conform the standards under paragraph (4) of Article 44, the Minister of METI, the Institute or a Designated Container Conformity Inspection Body shall promptly provide the stamping, etc. for the container. In this case, the Minister of METI, the Institute or a Designated Container Conformity Inspection Body shall cancel the previous stamping, etc. on that container.
- (3) When the stamping, etc. under the preceding paragraph has been received, the applicant under paragraph (1) shall mark such container under paragraph (1) of Article 46 without delay in accordance with an Ordinance of METI.

Article 55 Deletion

Article 56 (Scrapping or Other Disposition)

- (1) If the containers that have not passed the container inspection are still deemed not to conform with the standards under paragraph (4) of Article 44 even with a change of the type or pressure of the high pressure gas to be filled therein, the Minister of METI may order the owner thereof to scrap or otherwise dispose of them so as to make them unusable as containers.
- (2) If the containers that have not passed the container inspection conducted by the Institute or a Designated Container Conformity Inspection Body are deemed not to conform with the standards under paragraph (4) of Article 44 even with a change of the type or pressure of the high pressure gas to be filled therein, the Institute or a Designated Container Conformity Inspection Body which inspected such containers shall report the matter to the Minister of METI without delay.
- (3) The owner of the containers that have not passed the container reinspection shall, if such containers bear no stamping, etc. under paragraph (2) of Article 54 within three months, scrap or otherwise dispose of them without delay so as to make them unusable as containers.
- (4) The provisions of the preceding three paragraphs shall apply mutatis mutandis to the accessories rejected by the inspection or reinspection thereof. In this case, the

word "therein" and the phrase "paragraph (4) of Article 44" in paragraphs (1) and (2) shall be deemed to be replaced with "in the containers on which such accessories are installed" and "paragraph (4) of Article 49-2" respectively and the phrase in the preceding paragraph "if such containers bear no stamping, etc. under paragraph (2) of Article 54 within three months", shall be deleted.

- (5) A person disposing of containers or accessories shall dispose of them by scrapping or other means which will make such containers or accessories unusable.

#### Article 56-2 (Notification Report of Abolition of Container Reinspection Station)

Upon discontinuation of the business of reinspecting containers or accessories, a person with a registered container reinspection station shall submit a notification report of the matter to the Minister of METI without delay.

#### Article 56-2-2 (Mandate to an Ordinance of METI)

In addition to what is provided for in this Section, procedures for container inspection, procedures for accessories inspection and other necessary procedural matters for carrying out the provisions of this Chapter shall be prescribed by an Ordinance of METI.

### **Section 2 Designated Equipment**

#### Article 56-3 (Designated Equipment Inspection)

- (1) Among equipment for high pressure gas production (including storage incident thereto), the equipment for which inspection of its design or material quality or inspection in the process of its manufacturing is deemed particularly necessary for the prevention of explosions or other accidents due to high pressure gas shall be specifically designated by an Ordinance of METI (such equipment is hereinafter referred to as "Designated Equipment"). Manufacturers of the Designated Equipment shall subject each item of the Designated Equipment, in accordance with the provisions of an Ordinance of METI, to the Designated Equipment Inspection conducted by the Minister of METI, the Institute or a Conformity Inspection Body authorized by the Minister of METI (hereinafter referred to as "Designated Conformity Inspection Body for the Designated Equipment") for each manufacturing step specified by an Ordinance of METI. However, this provision shall not apply to the following Designated Equipment:

- (i) The Designated Equipment (except that specified by an Ordinance of METI) which is manufactured by a person engaged in the business of manufacturing the Designated Equipment and registered under paragraph (1) of Article 56-6-2 (hereinafter referred to as "Registered Manufacturer of the Designated Equipment"), provided that the equipment is covered by the Designated

- Equipment Standards Conformity Certificate issued under the provision of paragraph (2) of Article 56-6-14;
- (ii) Designated Equipment for export or other usages specified by an Ordinance of METI.
- (2) Any person who has imported the Designated Equipment shall, without delay and in accordance with the provisions of an Ordinance of METI, subject such Designated Equipment to the Designated Equipment Inspection conducted by the Minister of METI, the Institute or a Designated Conformity Inspection Body for the Designated Equipment; provided, however, that this shall not apply to the following cases:
- (i) When the Designated Equipment (except that specified by the METI Ordinance referred to in item (i) of the preceding paragraph) which is manufactured by a person engaged in the business of manufacturing the Designated Equipment abroad for export to Japan, and registered under paragraph (1) of Article 56-6-22 (hereinafter referred to as "Registered Foreign Manufacturer of the Designated Equipment") is imported, provided that the equipment is covered by the Designated Equipment Standards Conformity Certificate under the provision of paragraph (2) of Article 56-6-14 which is applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22; or
  - (ii) When an application for the Designated Equipment Inspection under the following paragraph is made for said Designated Equipment.
- (3) Foreign manufacturers of the Designated Equipment to be furnished for export to Japan may apply for the Designated Equipment Inspection of their products to be conducted by the Minister of METI, the Institute or a Designated Conformity Inspection Body for the Designated Equipment in accordance with an Ordinance of METI. In this case, a person requesting the Designated Equipment Inspection shall apply for it before importing the Designated Equipment.
- (4) Upon completing the Designated Equipment Inspection provided for in the preceding three paragraphs in accordance with the method specified by an Ordinance of METI, if the Minister of METI, the Institute or a Designated Conformity Inspection Body for the Designated Equipment finds that said Designated Equipment is in conformity with the technical standards specified by an Ordinance of METI, said Designated Equipment shall pass the Inspection.

Article 56-4 (Designated Equipment Inspection Certificate)

- (1) When the Designated Equipment has successfully passed the Designated Equipment Inspection, the Minister of METI, the Institute or a Designated Conformity Inspection Body for Designated Equipment shall promptly issue the Designated Equipment Inspection Certificate to the person who has undergone the Designated Equipment Inspection.



- (2) The Designated Equipment Inspection Certificate shall not be transferred or lent to others; provided, however, that this shall not apply where said certificate is transferred together with the Designated Equipment.
- (3) A person who has the Designated Equipment Inspection Certificate may request reissuance thereof in the case of the staining of, damage to or loss of said certificate by applying to the Minister of METI, through the prefectural governor who has jurisdiction over the location of the Designated Equipment, if said certificate was issued by the Minister of METI; to the Institute, if said certificate was issued by the Institute; or to the Designated Conformity Inspection Body for Designated Equipment, if said certificate was issued by said Designated Conformity Inspection Body for the Designated Equipment.
- (4) The format of the Designated Equipment Inspection Certificate shall be specified by an Ordinance of METI.

#### Article 56-5 (Marking)

- (1) When a person who has undergone the Designated Equipment Inspection has been issued the Designated Equipment Inspection Certificate under paragraph (1) of the preceding Article, he/she shall mark such Designated Equipment without delay in accordance with the provision of an Ordinance of METI.
- (2) Except as provided for in the preceding paragraph (including the case where applied *mutatis mutandis* pursuant to paragraph (1) of Article 56-6-15), no person shall mark the Designated Equipment as in said paragraph or make any similar marking which can be confused therewith.

#### Article 56-6 (Return of Designated Equipment Inspection Certificate)

A person who has been issued the Designated Equipment Inspection Certificate shall return it without delay to the Minister of METI, the Institute or the Designated Conformity Inspection Body for the Designated Equipment in any of the following cases:

- (i) When the Designated Equipment has been lost;
- (ii) When the Designated Equipment has been exported;
- (iii) When the Designated Equipment has been scrapped or otherwise disposed of so as not to be used as the Designated Equipment; or
- (iv) When the lost certificate has been recovered after the reissuance of the Designated Equipment Inspection Certificate.

#### Article 56-6-2 (Registration of Manufacturer of the Designated Equipment)

- (1) A person who is engaged in the business of manufacturing the Designated Equipment may register each of his/her factories or workplace with the Minister of METI in accordance with the category of the manufacturing business of the Designated Equipment specified by an Ordinance of METI (hereinafter referred to

- as "Business Category regarding the Designated Equipment").
- (2) Any person who intends to register under the preceding paragraph shall submit an written application letter therefor describing the following items to the Minister of METI:
- (i) Personal name or business name, address and, in the case of a juridical person, the personal name of its representative;
  - (ii) Business Category regarding the Designated Equipment;
  - (iii) Name and address of the factory or workplace where said Designated Equipment is manufactured;
  - (iv) Name, specification and quantity of equipment which is used for the production of said Designated Equipment and which is specified by an Ordinance of METI (hereinafter referred to as "Manufacturing Equipment for Designated Equipment");
  - (v) Name, specification and quantity of equipment which is used for the inspection of said Designated Equipment and which is specified by an Ordinance of METI (hereinafter referred to as "Inspection Equipment for the Designated Equipment"); and
  - (vi) Items which are related to the quality control method and inspection organization of said Designated Equipment and which are specified by an Ordinance of METI.
- (3) The written application letter referred to set forth in the preceding paragraph shall be annexed by codes setting forth the method to inspect said Designated Equipment (hereinafter referred to as "Inspection Codes for the Designated Equipment"), drawing(s) of the factory or workplace and other documents specified by an Ordinance of METI.
- (4) A person who has made an application in accordance with the provision of paragraph (2) above shall undergo the inspection by the Minister of METI for the Manufacturing Equipment for the Designated Equipment, the Inspection Equipment for the Designated Equipment, the quality control method, inspection organization and inspection method referred to in item (v) of paragraph (1) of Article 56-6-4 at said factory or workplace; provided, however, that this shall not apply when the application letter referred to in said paragraph is accompanied by the documents referred to in paragraph (2) of Article 56-6-5.

#### Article 56-6-3 (Disqualification Clause)

Any person who falls under any of the following items shall be disqualified from registration under paragraph (1) of the preceding Article:

- (i) A person for whom two years have not yet passed from the date of his/her completing the execution period of a punishment, severer than a fine, imposed for violating this Act or the provision of an order pursuant to this Act, or from

- the date of such execution becoming invalid;
- (ii) A person for whom two years have not yet passed from the date of the revocation of registration in accordance with the provision of Article 56-6-18 or Article 56-6-23; or
  - (iii) A juridical person, any of whose officials assigned to conduct the business falls under the preceding two items.

Article 56-6-4 (Criteria for Registration)

- (1) In the event that an application for registration under paragraph (1) of Article 56-6-2 is deemed to fall under any or all of the following items, the Minister of METI shall register the applicant:
  - (i) The manufacturing equipment for the Designated Equipment conforms the technical standards specified by an Ordinance of METI;
  - (ii) The inspection equipment for the Designated Equipment conforms the technical standards specified by an Ordinance of METI;
  - (iii) The quality control method and inspection organization conform the technical standards specified by an Ordinance of METI;
  - (iv) Persons who have the knowledge and experience to conform the conditions specified by an Ordinance of METI will conduct the inspection of the Designated Equipment and the number of such persons is not less than the number specified by an Ordinance of METI; and
  - (v) The inspection method of the Designated Equipment specified by the inspection codes for the Designated Equipment conforms the method specified by the METI Ordinance referred to in paragraph (4) of Article 56-3.
- (2) The Minister of METI may restrict the manufacturing processes of the Designated Equipment, which can be inspected by a Registered Manufacturer of the Designated Equipment, at the time of registration being made under paragraph (1) of Article 56-6-2 when he/she finds such restriction necessary to ensure the proper execution of the inspection of the Designated Equipment.

Article 56-6-5 (Investigation by the Institute, etc.)

- (1) A person who is engaged in the business of manufacturing the Designated Equipment may request the Institute or a person designated by the Minister of METI to conduct an investigation of the Manufacturing Equipment for the Designated Equipment, the Inspection Equipment for the Designated Equipment, the quality control method, inspection organization and method of inspection as referred to in item (v) of paragraph (1) of the preceding Article at the factory or workplace in relation to the application for registration referred to in paragraph (1) of Article 56-6-2.
- (2) When the Institute or a person designated as referred to in the preceding

paragraph finds that the Manufacturing Equipment for the Designated Equipment, the Inspection Equipment for the Designated Equipment, the quality control method, organization for inspection and method of inspection as referred to in item (v) of paragraph (1) of the preceding Article at the factory or workplace for which the Institute or the person designated has conducted the investigation referred to in said paragraph conform the respective technical standards specified by the METI Ordinance referred to in items (i), (ii) and (iii) of said paragraph and also conform the method specified by the METI Ordinance referred to in paragraph (4) of Article 56-3, it shall issue a document to that effect.

- (3) Upon completing the investigation provided for in paragraph (1) above, the Institute or a person designated as referred to in said paragraph may request the Minister of METI to restrict the manufacturing processes of the Designated Equipment, which can be inspected by a Registered Manufacturer of Designated Equipment, at the time of registration being made under paragraph (1) of Article 56-6-2 when he/she finds such restriction is necessary to ensure the proper execution of the inspection of the Designated Equipment.

#### Article 56-6-6 (Renewal of Registration)

- (1) The registration referred to in paragraph (1) of Article 56-6-2 shall cease to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) The provisions of paragraphs (2), (3) and (4) of Article 56-6-2 and Article 56-6-3 through the preceding Article shall apply mutatis mutandis to the renewal of registration provided for in the preceding paragraph.

#### Article 56-6-7 (Registry of Manufacturers of the Designated Equipment)

The Minister of METI shall set up a register of manufacturers of the Designated Equipment regarding Registered Manufacturers of the Designated Equipment and shall enter the following items in said register:

- (i) Date(s) of first registration and subsequent renewal(s) and registration number;  
and
- (ii) Those items referred to in items (i) to (iii) inclusive of paragraph (2) of Article 56-6-2.

#### Article 56-6-8 (Registration Certificate)

- (1) Upon effecting the registration under paragraph (1) of Article 56-6-2 or its renewal, the Minister of METI shall issue the Registration Certificate.
- (2) The Registration Certificate referred to in the preceding paragraph shall have the following entries:

- (i) Date(s) of the first registration and subsequent renewal(s) and registration number;
- (ii) Personal name or business name and address; and
- (iii) Business Category regarding the Designated Equipment.

Article 56-6-9 (Notification Report of Change)

A Registered Manufacturer of the Designated Equipment shall inform any change which has taken place to the matters under item (i) or items (iii) to (vi) inclusive of paragraph (2) of Article 56-6-2 to the Minister of METI without delay; provided, however, that this shall not apply if such change is of a minor nature as specified by an Ordinance of METI.

Article 56-6-10 (Correction of Registration Certificate)

In submitting the notification report pursuant to the provision of the preceding Article, a Registered Manufacturer of the Designated Equipment shall submit the Registration Certificate for correction along with said notification report if there is any change to the entries of the Registration Certificate.

Article 56-6-11 (Notification Report of Abolition)

A Registered Manufacturer of the Designated Equipment shall inform the Minister of METI of the discontinuation of the registered business without delay if said registered business is discontinued.

Article 56-6-12 (Reissuance of Registration Certificate)

A Registered Manufacturer of the Designated Equipment may apply for and obtain the reissuance of the Registration Certificate to the Minister of METI if he/she stains, damages or loses said Registration Certificate.

Article 56-6-13 (Duty to Conform to Standards, etc.)

- (1) When a Registered Manufacturer of the Designated Equipment intends to manufacture the Designated Equipment of the registered Business Category, said Designated Equipment shall conform the technical standards specified by the METI Ordinance referred to in paragraph (4) of Article 56-3; provided, however, that this shall not apply to the Designated Equipment serving the usages specified by the METI Ordinance as referred to in item (ii) of paragraph (1) of said Article.
- (2) A Registered Manufacturer of Designated Equipment under the preceding paragraph shall conduct the inspection of the Designated Equipment as referred to in said paragraph which he/she intends to manufacture (except those to be manufactured pursuant to the provision of the proviso of said paragraph) in accordance with the Inspection Codes for the Designated Equipment, prepare

inspection records and store them.

Article 56-6-14 (Designated Equipment Standards Conformity Certificate)

- (1) When a Registered Manufacturer of Designated Equipment has manufactured the Designated Equipment of the registered Business Category, he/she may request the issuance of the Designated Equipment Standards Conformity Certificate by submitting to the Minister of METI, the Institute or a Designated Conformity Inspection Body for the Designated Equipment the inspection records of said Designated Equipment describing the items specified by an Ordinance of METI.
- (2) Upon receiving the inspection records referred to in the preceding paragraph from a Registered Manufacturer of Designated Equipment, the Minister of METI, the Institute or a Designated Conformity Inspection Body for Designated Equipment shall issue the Designated Equipment Standards Conformity Certificate if it is found by the submitted inspection records that said Designated Equipment conforms to the standards specified by the METI Ordinance as referred to in paragraph (4) of Article 56-3.
- (3) The format of the Designated Equipment Standards Conformity Certificate shall be specified by an Ordinance of METI.
- (4) The provisions of paragraphs (2) and (3) of Article 56-4 shall apply mutatis mutandis to the Designated Equipment Standards Conformity Certificate.

Article 56-6-15 (Marking)

- (1) The provision of paragraph (1) of Article 56-5 shall apply mutatis mutandis to a person submitting the inspection records referred to in paragraph (1) of the preceding Article (including the cases where applied pursuant to paragraph (2) of Article 56-6-22). In this case, the phrases "paragraph (1) of the preceding Article" and "Designated Equipment Inspection Certificate" in paragraph (1) of Article 56-5 shall be deemed to be replaced with "paragraph (2) of Article 56-6-14" and "Designated Equipment Standards Conformity Certificate" respectively.
- (2) The provisions of Article 56-6 shall apply mutatis mutandis to a person to whom the Designated Equipment Standards Conformity Certificate has been issued.

Article 56-6-16 (Order for Improvement)

The Minister of METI may issue an order to a Registered Manufacturer of Designated Equipment to repair or remodel the Manufacturing Equipment for the Designated Equipment or the Inspection Equipment for the Designated Equipment, to improve the quality control method and inspection organization, to change the Inspection Codes for the Designated Equipment and to take whatever measures are deemed necessary under any of the following cases:

- (i) When the Manufacturing Equipment for the Designated Equipment is deemed

- not to conform the technical standards specified by the METI Ordinance referred to in item (i) of paragraph (1) of Article 56-6-4;
- (ii) When the Inspection Equipment for Designated Equipment is deemed not to conform the technical standards specified by the METI Ordinance referred to in item (ii) of paragraph (1) of Article 56-6-4;
  - (iii) When the quality control method and inspection organization are deemed not to conform the technical standards specified by the METI Ordinance referred to in item (iii) of paragraph (1) of Article 56-6-4;
  - (iv) When the inspection method referred to in item (v) of paragraph (1) of Article 56-6-4 is deemed not to conform the method specified by the METI Ordinance referred to in paragraph (4) of Article 56-3;
  - (v) When a person who does not have the knowledge and experience to conform the conditions specified by the METI Ordinance referred to in item (iv) of paragraph (1) of Article 56-6-4 is assigned to conduct the inspection of the Designated Equipment;
  - (vi) When the provisions of Article 56-6-13 are deemed to have been violated; or
  - (vii) When an accident involving high pressure gas has taken place with the Designated Equipment to which the Designated Equipment Standards Conformity Certificate has been issued under the provision of paragraph (2) of Article 56-6-14 (hereinafter referred to as "Self-inspected Designated Equipment") and when such accident is found to have been caused by a defect of said self-inspected Designated Equipment.

#### Article 56-6-17 (Loss of Effect of Registration)

When a Registered Manufacturer of the Designated Equipment has discontinued his/her registered business, the relevant registration shall also cease to be effective.

#### Article 56-6-18 (Revocation of Registration)

In the event that a Registered Manufacturer of the Designated Equipment falls under any of the following items, the Minister of METI may revoke the registration concerned:

- (i) When the provision of paragraph (2) of Article 56-4 which is applied mutatis mutandis pursuant to paragraph (4) of Article 56-6-14, paragraph (2) of Article 56-5 or Article 56-6-13 is violated;
- (ii) When any of the provisions of item (i) or item (iii) of Article 56-6-3 becomes relevant;
- (iii) When an order issued in accordance with the provision of Article 56-6-16 is violated;
- (iv) When the registration under paragraph (1) of Article 56-6-2 or its renewal is obtained by fraudulent means; or

(v) When the valid registration under paragraph (1) of Article 56-6-22 is revoked.

Article 56-6-19 (Deletion of Registration)

In the event that the registration of a Registered Manufacturer of the Designated Equipment has become invalid, the Minister of METI shall delete said registration.

Article 56-6-20 (Return of Registration Certificate)

In the event that registration of a Registered Manufacturer of the Designated Equipment has ceased to be valid, the Registered Manufacturer shall return the Registration Certificate therefor to the Minister of METI without delay.

Article 56-6-21 (Attested Copy of Registry of Manufacturers of the Designated Equipment, etc.)

Anyone may request the Minister of METI to issue an authenticated copy of the Registry of Designated Manufacturers or allow him/her to peruse said registry.

Article 56-6-22 (Registration of Foreign Manufacturer of the Designated Equipment)

(1) A person who is engaged in the business of manufacturing the Designated Equipment abroad for export to Japan may register each of his/her factories or workplace with the Minister of METI in accordance with the Business Category regarding the Designated Equipment.

(2) The provisions of paragraphs (2) to (4) inclusive of Article 56-6-2, Articles 56-6-3 to 56-6-8 inclusive, Article 56-6-17, Article 56-6-19 and the preceding Article shall apply mutatis mutandis to registration under the preceding paragraph while the provisions of paragraph (2) of Article 56-5, Articles 56-6-9 to 56-6-13 inclusive, paragraphs (1) and (2) of Article 56-6-14, Article 56-6-16 and Article 56-6-20 shall apply mutatis mutandis to a Registered Foreign Manufacturer of the Designated Equipment. In this case, the phrase "no person" in paragraph (2) of Article 56-5 shall be deemed to be replaced with "no Registered Foreign Manufacturer of the Designated Equipment", the phrase "the Designated Equipment" in paragraph (2) of Article 56-5 shall be deemed to be replaced with "the Designated Equipment to be exported to Japan", the phrase "Registry of Manufacturers of the Designated Equipment" in Article 56-6-7 and the preceding Article shall be deemed to be replaced with "Registry of Foreign Manufacturers of the Designated Equipment" and the phrase "to issue an order" in Article 56-6-16 shall be deemed to be replaced with "to demand."

Article 56-6-23 (Revocation of a Registration of Registered Foreign Manufacturer of the Designated Equipment)

In the event that a Registered Foreign Manufacturer of the Designated Equipment



falls under any of the following items, the Minister of METI may revoke the registration concerned:

- (i) When the provision of paragraph (2) of Article 56-4 which is applied mutatis mutandis pursuant to paragraph (4) of Article 56-6-14, paragraph (2) of Article 56-5 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article) or Article 56-6-13 which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is violated;
- (ii) When the provision of item (i) or (iii) of Article 56-6-3, which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article becomes relevant;
- (iii) When the demand made under the provision of Article 56-6-16 which is applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is not complied with;
- (iv) When the report required by the Minister of METI of a Registered Foreign Manufacturer of the Designated Equipment on the latter's state of business or finance as specified by a Cabinet Order within the limit necessary for enforcement of this Act is not submitted or when a false report is submitted;
- (v) When an intended inspection of the account books, documents and other items or questioning of the persons concerned by a staff member(s) of the Ministry of International Trade and Industry assigned by the Minister of METI within the limit necessary for enforcement of this Act at an office, business office, factory, storage place of the Designated Equipment to be exported to Japan or any other place of business of a Registered Foreign Manufacturer of the Designated Equipment is refused, prevented or avoided or no reply is made or a false reply is made to a question posed by said staff member;
- (vi) When the registration referred to in paragraph (1) of the preceding Article or its renewal is obtained by fraudulent means; or
- (vii) When the valid registration obtained under paragraph (1) of Article 56-6-2 is revoked.

### **Section 3 Specified Equipment**

Article 56-7 (Accreditation of the Specified Equipment)

- (1) Among equipment for the production (including storage incident thereto) of high pressure gas, the equipment that has no risk of interfering with the maintenance of public safety and the prevention of disasters shall be specified by a Cabinet Order (such equipment is hereinafter referred to as "Specified Equipment"). Manufacturers of such Specified Equipment, importers of the same and foreign manufacturers of the same to be exported to Japan can apply for accreditation of the Specified Equipment to the Minister of METI, the Institute or an agency designated by the Minister of METI (hereinafter referred to as "Designated

Accreditation Agency for Specified Equipment") in accordance with an Ordinance of METI.

- (2) Where there is an application for the accreditation of Specified Equipment under the preceding paragraph, the Minister of METI, the Institute or a Designated Accreditation Agency for Specified Equipment shall give accreditation if such Specified Equipment is in conformity with the technical standards specified by an Ordinance of METI.

#### Article 56-8 (Specified Equipment Accreditation Certificate)

- (1) When the Minister of METI, the Institute or a Designated Accreditation Agency for Specified Equipment has accredited Specified Equipment pursuant to the provision of paragraph (2) of the preceding Article, it shall promptly issue a Specified Equipment Accreditation Certificate to the person who applied for accreditation.
- (2) The format for a Specified Equipment Accreditation Certificate shall be specified by an Ordinance of METI.
- (3) The provisions of paragraphs (2) and (3) of Article 56-4 shall apply mutatis mutandis to a Specified Equipment Accreditation Certificate. In this case, the term "Designated Conformity Inspection Body for the Designated Equipment" in said paragraph shall be deemed to be replaced with "Designated Accreditation Agency for Specified Equipment."

#### Article 56-9 (Corresponding Applications)

- (1) The provision of Article 56-5 shall apply mutatis mutandis to the person who has been given accreditation of Specified Equipment. In this case, the phrase "paragraph (1) of the preceding Article" in paragraph (1) of said Article shall be deemed to be replaced with "paragraph (1) of Article 56-8" and the phrase "Designated Equipment Inspection Certificate" shall be deemed to be replaced with "Specified Equipment Accreditation Certificate" in paragraph (1) of Article 56-5.
- (2) The provision of Article 56-6 shall apply mutatis mutandis to the person who has been given a Specified Equipment Accreditation Certificate. In this case, the term "Designated Conformity Inspection Body for the Designated Equipment" in said Article shall be deemed to be replaced with "Designated Accreditation Agency for Specified Equipment."

### **Section 4 Refrigeration Apparatuses**

#### Article 57 (Manufacture of Apparatuses used in Refrigeration Equipment)

Any person who intends to engage in the business of manufacturing apparatuses to be exclusively used in refrigeration equipment and specified by an Ordinance of

METI (such person is hereinafter referred to as "Apparatus Manufacturer") shall manufacture apparatuses in accordance with the technical standards specified by an Ordinance of METI to ensure that the equipment using such apparatuses conforms with the technical standards specified by the METI Ordinance referred to in item (i) of Article 8, or paragraph (1) of Article 12.

Article 58 Deletion

Article 58-2 Deletion

## **Chapter IV-2 Designated Examining Body, Etc.**

### **Section 1 Designated Examining Body**

Article 58-3 (Designation)

Designation under paragraph (1) of Article 31-2 shall be granted in accordance with an Ordinance of METI in response to an application filed by a person planning to conduct the examination service.

Article 58-4 (Disqualification Clause)

Any person who falls under any of the following items shall be disqualified from designation under paragraph (1) of Article 31-2:

- (i) A person for whom two years have not yet passed from the date of his/her completing the execution period of a punishment, severer than a fine, imposed for violating this Act or the provision of an order pursuant to this Act, or from the date of such execution becoming invalid;
- (ii) A person whose appointment was revoked under paragraph (2) of Article 58-15 and for whom 2 years have not passed from the date of revocation; or
- (iii) A juridical person, any of whose officers falls under any of the following situations:
  - (a) A person who falls under the preceding item (i); or
  - (b) A person who was dismissed from office by an order pursuant to Article 58-11 and for whom 2 years have not passed from the date of such dismissal.

Article 58-5 (Standards for Designation)

The Minister of METI shall not approve the designation under paragraph (1) of Article 31-2 unless he/she finds that the relevant application for such designation satisfies all of the following items:

- (i) The plan for implementing the examination services with respect to the staff, facilities, method of the implementation and other related matters shall be

- appropriate for proper implementation of the examination services;
- (ii) The applicant shall have sufficient financial basis and technological capability to properly carry out the plan for implementing the examination services referred to in the preceding item;
  - (iii) The applicant shall be a juridical person established under Article 34 of the Civil Code (Act No. 89 of 1896); and
  - (iv) If the applicant is conducting any service other than the examination services, there shall be no risk of unfair examination services being implemented because of such any other service.

#### Article 58-6 (Notification Report of Change)

- (1) Whenever changing its name or the place of its principal office, a Designated Examining Body shall submit a notification report thereof to the Minister of METI at least 2 weeks prior to the date of the intended change.
- (2) Whenever changing its name or the place of principal office, a Designated Examining Body shall submit a notification report thereof to the prefectural governor who consigned the examination service in accordance with paragraph (1) of Article 31-2 (hereinafter referred to as "Consigning Prefectural Governor") at least 2 weeks prior to the date of intended change. Likewise, whenever changing the place of any office handling the examination services, a Designated Examining Body shall submit a notification report thereof to the related Consigning Prefectural Governor at least 2 weeks prior to the date of intended change.

#### Article 58-7 (Examination Service Codes)

- (1) A Designated Examining Body shall prepare its own codes for implementation of the examination services (hereinafter referred to as "Examination Service Codes"), and shall have them approved by the Minister of METI. The same shall apply in the case where a Designated Examining Body changes the Examination Service Codes.
- (2) A Designated Examining Body shall consult with the Consigning Prefectural Governor for his/her opinion whenever changing the Examination Service Codes in accordance with the provision of the second sentence of the preceding paragraph.
- (3) Matters to be prescribed in the Examination Service Codes shall be specified by an Ordinance of METI.
- (4) If the Examination Service Codes as authorized in paragraph (1) are found to have become inappropriate for the fair implementation of the examination services, the Minister of METI may order the Designated Examining Body to change such Examination Service Codes.

#### Article 58-8 (Suspension or Abolition of Examination Services)

- (1) Unless it has obtained the permission of the Minister of METI, a Designated Examining Body shall not suspend or discontinue the examination services either wholly or partially.
- (2) The permission set forth in the preceding paragraph shall not be given by the Minister of METI unless such suspension or abolition in whole or in part is deemed to have no risk of adversely affecting the proper and unflinching implementation of the examination services.
- (3) Before giving the permission under paragraph (1), the Minister of METI shall seek the opinion of the related Consigning Prefectural Governor.
- (4) Upon the granting of permission under paragraph (1), the Minister of METI shall notify the Consigning Prefectural Governor concerned of such granting of permission.

#### Article 58-9 (Business Plan, etc.)

- (1) Prior to the start of every business year (or without delay after the date of authorization in the case of the business year in which authorization under paragraph (1) of Article 31-2 was granted), a Designated Examining Body shall prepare its business plan and an estimate of revenues and expenditures for the related business year, and shall obtain the authorization of the Minister of METI. Authorization is likewise required in the case where such plan or estimate is changed.
- (2) When preparing or changing its business plan and the estimate of revenues and expenditures, a Designated Examining Body shall seek the opinion of the Consigning Prefectural Governor.
- (3) Within three months after the end of every business year, a Designated Examining Body shall prepare an annual report and a statement of accounts for that business year and shall submit them to the Minister of METI and the Consigning Prefectural Governor.

#### Article 58-10 (Appointment or Dismissal of an Officer)

The appointment or dismissal of an officer of a Designated Examining Body shall not come into effect without obtaining the authorization of the Minister of METI.

#### Article 58-11 (Order to Dismiss an Officer)

If any officer of a Designated Examining Body should violate this Act, any order pursuant thereto or the Examination Service Codes or should commit an act exceedingly inappropriate in relation to the examination service, the Minister of METI may order such Designated Examining Body to dismiss such officer.

#### Article 58-12 (Examination Committee Members)

- (1) When conducting the examination services, a Designated Examining Body shall entrust the examination committee members with determining whether or not an applicant has the knowledge and skills required for a Production Safety Manager or Sales Safety Chief.
- (2) When appointing an examination committee member, a Designated Examining Body shall appoint one from among those who satisfy the requirements specified by an Ordinance of METI.
- (3) After having appointed an examination committee member, a Designated Examining Body shall submit a notification report of such appointment to the Minister of METI in accordance with an Ordinance of METI. The same shall apply in the case where an examination committee member has been changed.
- (4) The provision of the preceding Article shall apply mutatis mutandis to examination committee members.

Article 58-13 (Responsibility for Maintaining Secrecy, etc.)

- (1) Officers and staff of a Designated Examining Body (including examination committee members; the same shall apply in the following paragraph) or those who have taken such office shall not disclose any confidential information that they acquire in the course of the examination service.
- (2) Those officers and staff of a Designated Examining Body who are engaged in the examination service shall be deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) or other penal provisions.

Article 58-14 (Order to Adapt, etc.)

- (1) If a Designated Examining Body is deemed to be no longer in conformity with any of the items in Article 58-5 (except item (iii); the same shall apply in this paragraph), the Minister of METI may order such Designated Examining Body to take necessary measures to adapt itself to such items.
- (2) In addition to the provision of the preceding paragraph, the Minister of METI may issue an order to a Designated Examining Body as required for supervision of the examination service when he/she finds it necessary to do so to ensure proper implementation of the consigned examination services.
- (3) The Consigning Prefectural Governor may instruct a Designated Examining Body to take measures necessary for the proper implementation of the consigned examination services when he/she finds it necessary to secure the proper implementation of such examination services.

Article 58-15 (Revocation of Designation, etc.)

- (1) If a Designated Examining Body no longer conforms to item (iii) of Article 58-5,

the Minister of METI shall revoke the designation thereof.

- (2) If a Designated Examining Body falls under any of the items below, the Minister of METI may revoke the designation thereof or may order a suspension of the examination services thereof in whole or in part for a specified period:
- (i) When a Designated Examining Body falls under item (i) or (iii) of Article 58-4;
  - (ii) When a Designated Examining Body has conducted the examination services in violation of the Examination Service Codes as authorized under paragraph (1) of Article 58-7;
  - (iii) When a Designated Examining Body has violated an order under paragraph (4) of Article 58-7, Article 58-11 (including the cases where applied *mutatis mutandis* pursuant to paragraph (4) of Article 58-12) or paragraph (1) or (2) of the preceding Article;
  - (iv) When a Designated Examining Body has violated any provision of paragraph (1) of Article 58-8, paragraph (1) or (3) of Article 58-9 or paragraphs (1) to (3) inclusive of Article 58-12; or
  - (v) When a Designated Examining Body has been designated under paragraph (1) of Article 31-2 through illegal means.
- (3) When mandate has been revoked pursuant to the provision of paragraph (1) or the preceding paragraph, or a suspension of the whole or a part of the examination service has been ordered under said paragraph, the Minister of METI shall notify the matter to the related Consigning Prefectural Governor.

Article 58-16 (Examination Service by the Minister of METI or the Consigning Prefectural Governor)

- (1) When a Designated Examining Body has suspended all or a part of the examination services by obtaining permission under paragraph (1) of Article 58-8, when the Minister of METI has ordered a Designated Examining Body to suspend all or a part of the examination services in accordance with paragraph (2) of the preceding Article or when the Minister of METI deems it necessary to do so in the event a Designated Examining Body finds it difficult to implement all or a part of the examination services due to a natural disaster or other reasons, the Minister of METI or the Consigning Prefectural Governor shall directly conduct all or a part of the examination services.
- (2) When the Consigning Prefectural Governor is to conduct the examination services pursuant to the provision of the preceding paragraph or when the reason the Consigning Prefectural Governor is to conduct the examination service pursuant to the provision of said paragraph has ceased to exist, the Minister of METI shall promptly notify the Consigning Prefectural Governor to that effect.

Article 58-17 (Mandate to an Ordinance of METI)

In addition to what is provided for in this Act, particulars necessary for the transfer of the examination services shall be specified by an Ordinance of METI.

## **Section 2 Designated Completion Conformity Inspection Body**

### Article 58-18 (Designation)

The designation referred to in the proviso of paragraph (1) of Article 20 shall be approved, in accordance with an Ordinance of METI, in response to an application filed by a person who intends to undertake completion inspections as requested by other persons in accordance with categories specified by an Ordinance of METI.

### Article 58-19 (Disqualification Clause)

Any person who falls under any of the following items shall be disqualified from designation under the proviso of paragraph (1) of Article 20:

- (i) A person who violated this Act or any disposition thereunder was sentenced to punishment severer than a fine, and for whom 2 years have not passed from the date when such person completed or was relieved from the execution thereof;
- (ii) A person whose previously obtained designation was revoked in accordance with the provision of Article 58-30 and for whom 2 years have not passed from the date of such revocation; or
- (iii) A juridical person, any of whose officers assigned to carry out the business falls under either of the preceding two items.

### Article 58-20 (Criteria for Designation)

The Minister of METI shall not approve the designation under the proviso of paragraph (1) of Article 20 unless the application for such designation satisfies all of the following items:

- (i) The devices and other equipment used for the completion inspection shall be those specified by an Ordinance of METI;
- (ii) The personnel who perform the completion inspection shall have the knowledge and experience to conform the conditions specified by an Ordinance of METI and the number of such personnel shall be or more the number specified by an Ordinance of METI;
- (iii) In the case of the applicant being a juridical person, the composition of officers and personnel which is specified by an Ordinance of METI for each type of officer or juridical person shall have no possibility of interfering with the fair implementation of the completion inspection;
- (iv) In addition to what is provided for in the preceding items, an applicant shall conform with the criteria specified by an Ordinance of METI so as to involve no risk of making completion inspection unfair;



- (v) The applicant shall have sufficient financial basis for properly and smoothly implementing the service of completion inspection; and
- (vi) Such designation by the Minister of METI shall not obstruct the proper and smooth implementation of the completion inspection applied for.

Article 58-20-2 (Renewal of Designation)

- (1) The designation referred to in the proviso of paragraph (1) of Article 20 shall cease to be effective with the lapse of a period of not less than five years but not more than ten years to be specified by a Cabinet Order unless it is renewed by the end of every such period.
- (2) The provisions of Article 58-18 through the preceding Article shall apply mutatis mutandis to the renewal of designation provided for set forth in the preceding paragraph.

Article 58-21 (Duties of Completion Inspection)

- (1) A Designated Completion Conformity Inspection Body shall promptly conduct the completion inspection as requested except where there is a justifiable grounds not to do so.
- (2) A Designated Completion Conformity Inspection Body shall use the devices and other equipment under item (i) of Article 58-20 when conducting the completion inspection and shall have such inspections performed by the personnel under item (ii) of said Article.

Article 58-22 (Notification Report of Changing the Place of Business)

When changing the place of business for completion inspection, a Designated Completion Conformity Inspection Body shall submit a notification report thereof to the Minister of METI as specified by an Ordinance of METI no later than 2 weeks prior to the date of the intended change.

Article 58-23 (Service Codes)

- (1) A Designated Completion Conformity Inspection Body shall prepare its own codes for the service of completion inspection (hereinafter referred to as "Service Codes") and have them authorized by the Minister of METI. Authorization is likewise required when it is planned to change the Codes.
- (2) Those particulars to be provided for in the Service Codes shall be specified by an Ordinance of METI.
- (3) The Minister of METI may order a Designated Completion Conformity Inspection Body to change its Service Codes authorized under paragraph (1) when he/she finds such Codes to be inappropriate for the fair implementation of completion inspection.

Article 58-24 (Suspension or Abolition of the Inspection Service)

In the event of suspending or discontinuing the whole or a part of the business of completion inspection, a Designated Completion Conformity Inspection Body shall submit a notification report thereof in advance to the Minister of METI, as specified by an Ordinance of METI.

Article 58-25 Deletion

Article 58-26 Deletion

Article 58-27 (Order to Dismiss)

If any person provided for in item (ii) of Article 58-20 should violate a provision of this Act, or of any order pursuant to this Act or the Service Codes, the Minister of METI may order said Designated Completion Conformity Inspection Body to dismiss such person referred to in said item.

Article 58-28 (Position of Officers and Staff)

Those officers and staff members of a Designated Completion Conformity Inspection Body who are engaged in completion inspections shall be deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal Code (Act No. 45 of 1907) or other penal provisions.

Article 58-29 (Order to Conform)

If a Designated Completion Conformity Inspection Body is deemed to be no longer in conformity with any of items (i) to (v) inclusive of Article 58-20, the Minister of METI may order said Designated Completion Conformity Inspection Body to take necessary measure to conform to such items.

Article 58-30 (Revocation of Designation, etc.)

If a Designated Completion Conformity Inspection Body falls under any of the items below, the Minister of METI may revoke the designation therefor or may order suspension of the completion inspection thereof in whole or in part for a specified period:

- (i) When a Designated Completion Conformity Inspection Body has violated any provision of this Section or paragraph (4) of Article 20;
- (ii) When a Designated Completion Conformity Inspection Body falls under item (i) or (iii) of Article 58-19;
- (iii) When a Designated Completion Conformity Inspection Body has conducted completion inspection in violation of the Service Codes authorized under

- paragraph (1) of Article 58-23;
- (iv) When a Designated Completion Conformity Inspection Body has violated an order pursuant to the provisions of paragraph (3) of Article 58-23, Article 58-27 or the preceding Article; or
  - (v) When a Designated Completion Conformity Inspection Body has been designated under the proviso of paragraph (1) of Article 20 by fraudulent means.

### **Section 2-2 Designated Import Conformity Inspection Body**

Article 58-30-2 (Designation, etc.)

- (1) The designation referred to in item (i) of paragraph (1) of Article 22 shall be approved in accordance with an Ordinance of METI in response to an application filed by a person who intends to undertake import inspections.
- (2) The provisions of Articles 58-19 to 58-24 inclusive and Article 58-27 to the preceding Article shall apply mutatis mutandis to a Designated Import Conformity Inspection Body. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Article 58-19, Article 58-20, Article 58-20-2 and preceding Article shall be deemed to be replaced with "item (i) of paragraph (1) of Article 22", the phrase "completion inspection" in Article 58-20, Articles 58-21 to 58-24 inclusive, Article 58-28 and preceding Article shall be deemed to be replaced with "import inspection" and the phrase "paragraph (4) of Article 20" in said Article shall be deemed to be replaced with "paragraph (2) of Article 22."

### **Section 2-3 Designated Safety Conformity Inspection Body**

Article 58-30-3 (Designation, etc.)

- (1) The designation referred to in item (i) of paragraph (1) of Article 35 shall be approved in accordance with an Ordinance of METI in response to an application filed by a person who intends to undertake safety inspection as requested by other persons in accordance with the categories specified by an Ordinance of METI.
- (2) The provisions of Articles 58-19 to 58-24 inclusive and Articles 58-27 to 58-30 inclusive shall apply mutatis mutandis to a Designated Safety Conformity Inspection Body. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Article 58-19, Article 58-20, Article 58-20-2 and Article 58-30 shall be deemed to be replaced with "item (i) of paragraph (1) of Article 35", the phrase "completion inspection" in Article 58-20, Articles 58-21 to 58-24 inclusive, Article 58-28 and Article 58-30 shall be deemed to be replaced with "safety inspection" and the phrase "paragraph (4) of Article 20" in said Article shall be deemed to be replaced with "paragraph (3) of Article 35."

### **Section 3 Designated Container Conformity Inspection Body**

Article 58-31 (Designation, etc.)

- (1) The designation referred to in paragraph (1) of Article 44 shall be approved in accordance with an Ordinance of METI in response to an application filed by a person who intends to undertake container inspection, container reinspection, accessory inspection and/or accessory reinspection (hereinafter referred to as "Container Inspection and/or Other Inspections") as requested by other persons in accordance with the categories specified by an Ordinance of METI.
- (2) The provisions of Articles 58-19 to 58-24 inclusive and Articles 58-27 to 58-30 inclusive shall apply mutatis mutandis to a Designated Container Conformity Inspection Body. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Articles 58-19 to 58-24 inclusive, Article 58-27, Article 58-20, Article 58-20-2 and Article 58-30 shall be deemed to be replaced with "paragraph (1) of Article 44", the phrase "completion inspection(s)" in Article 58-20, Articles 58-21 to 58-24 inclusive, Article 58-28 and Article 58-30 shall be deemed to be replaced with "container inspection, etc." and the phrase "paragraph (4) of Article 20" in said Article shall be deemed to be replaced with "paragraph (1) or (2) of Article 45, paragraph (3) or (4) of Article 49, paragraph (1) of Article 49-3, paragraph (3) of Article 49-4, paragraph (2) of Article 54 or paragraph (2) of Article 56 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of said Article)."

### **Section 4 Designated Conformity Inspection Body for Designated Equipment**

Article 58-32 (Designation, etc.)

- (1) The designation referred to in paragraph (1) of Article 56-3 shall be approved in accordance with an Ordinance of METI in response to an application filed by a person who intends to undertake the Designated Equipment Inspection as requested by other persons in accordance with the categories specified by an Ordinance of METI.
- (2) The provisions of Articles 58-19 to 58-24 inclusive and Articles 58-27 to 58-30 inclusive shall apply mutatis mutandis to a Designated Conformity Inspection Body for Designated Equipment. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Articles 58-19 to 58-24 inclusive, Article 58-27, Article 58-20, Article 58-20-2 and Article 58-30 shall be deemed to be replaced with "paragraph (1) of Article 56-3", the phrase "completion inspection(s)" in Article 58-20, Articles 58-21 to 58-24 inclusive, Article 58-28 and Article 58-30 shall be deemed to be replaced with "Designated Equipment Inspection" and the phrase "paragraph (4) of Article 20" in said Article shall be deemed to be replaced with "paragraph (1) of

Article 56-4."

### **Section 5 Designated Accreditation Agency for Specified Equipment**

Article 58-33 (Designation, etc.)

- (1) The designation referred to in paragraph (1) of Article 56-7 shall be approved in response to an application filed by a person who intends to confer accreditation under said paragraph (hereinafter referred to as "accreditation of the Specified Equipment").
- (2) The provisions of Articles 58-19 to 58-24 inclusive and Articles 58-27 to 58-30 inclusive shall apply mutatis mutandis to a Designated Accreditation Agency for Specified Equipment. In this case, the phrase "the proviso of paragraph (1) of Article 20" in Articles 58-19 to 58-24 inclusive, Article 58-27, Article 58-20, Article 58-20-2 and Article 58-30 shall be deemed to be replaced with "paragraph (1) of Article 56-7", the phrase "completion inspection(s)" in Article 58-20, Articles 58-21 to 58-24 inclusive, Article 58-28 and Article 58-30 shall be deemed to be replaced with "Accreditation of Specified Equipment" and the phrase "paragraph (4) of Article 20" in said Article shall be deemed to be replaced with "paragraph (1) of Article 56-8."

### **Section 6 Investigation Agency of Inspection Organization, etc.**

Article 58-34 (Designation)

The designation referred to in paragraph (1) of Article 39-7, paragraph (3) of said Article, paragraph (1) of Article 49-8 or paragraph (1) of Article 56-6-5 shall be approved in accordance with an Ordinance of METI for each of the investigations referred to in paragraph (1) of Article 39-7, paragraph (3) of said Article, paragraph (1) of Article 49-8 or paragraph (1) of Article 56-6-5 (hereinafter referred to collectively as "investigation of inspection organizations, etc.") in accordance with the categories specified by an Ordinance of METI in response to an application filed by a person who intends to conduct investigations.

Article 58-35 (Criteria for Designation)

The Minister of METI shall not approve the designation under paragraph (1) of Article 39-7, paragraph (3) of said Article, paragraph (1) of Article 49-8 or paragraph (1) of Article 56-6-5 unless he/she finds that the application for such designation conforms to all of the following items:

- (i) The personnel who conduct investigation of inspection organizations shall have the knowledge and experience to conform the conditions specified by an Ordinance of METI and the number of such personnel shall be or more the

- number specified by an Ordinance of METI;
- (ii) The applicant shall have sufficient financial basis and technological capability for properly and smoothly implementing the services of investigation of inspection organizations, etc.;
  - (iii) In the case of the applicant being a juridical person, the composition of officers and personnel which is specified by an Ordinance of METI for each type of officers or juridical persons shall have no possibility of interfering with the fair implementation of investigation of inspection organizations, etc.;
  - (iv) In addition to what is provided for in the preceding items, an applicant shall conform with criterion specified by an Ordinance of METI so as to involve no risk of making investigation of inspection organizations unfair; and
  - (vi) Such designation by the Minister of METI shall not obstruct the proper and smooth implementation of investigation of inspection organizations, etc. to be applied for.

#### Article 59 (Applying the provisions mutatis mutandis)

The provisions of Article 58-19, Articles 58-20-2 to 58-24 inclusive, Articles 58-27 to 58-30 inclusive shall apply mutatis mutandis to a person who conducts investigation of inspection organizations, etc. under designation pursuant to the provision of paragraph (1) of Article 39-7, paragraph (3) of said Article, paragraph (1) of Article 49-8 or paragraph (1) of Article 56-6-5 (hereinafter referred to as "Investigation Agency of Inspection Organization, etc.). In this case, the phrase "the proviso of paragraph (1) of Article 20" in Article 58-19, Article 58-20-2 and Article 58-30 shall be deemed to be replaced with "paragraph (1) of Article 39-7, paragraph (3) of said Article, paragraph (1) of Article 49-8 or paragraph (1) of Article 56-6-5", the phrase "completion inspection" in Articles 58-21 to 58-24 inclusive, Article 58-28 and Article 58-30 shall be deemed to be replaced with "investigation of inspection organizations, etc.", the phrase "use the devices and other equipment under item (i) of Article 58-20 ... and shall ... item (ii) of said Article" in Article 58-21 shall be deemed to be replaced with "item (i) of Article 58-35", the phrase "item (ii) of Article 58-20" in Article 58-27 shall be deemed to be replaced with "item (i) of Article 58-35", the phrase "items (i) to (v) inclusive of Article 58-20" in Article 58-29 shall be deemed to be replaced with "items (i) to (iv) inclusive of Article 58-35", the phrase "paragraph (4) of Article 20" in Article 58-30 shall be deemed to be replaced with "paragraph (2) of Article 39-7, paragraph (4) of said Article, paragraph (2) of Article 49-8 or paragraph (2) of Article 56-6-5."

### **Chapter IV-3 The High Pressure Gas Safety Institute of Japan**

#### **Section 1 General Provisions**

Article 59-2 (Purpose)

The purpose of the Institute is to conduct such services as investigation, research and guidance and inspection related to the safety of high pressure gases in order to help prevent accidents and disasters due to high pressure gases.

Article 59-3 (Legal Status)

The Institute has the status of a juridical person.

Article 59-4 (Office)

- (1) The Institute shall have its principal office in Tokyo.
- (2) The Institute may have secondary offices in places as necessary.

Article 59-5 (Articles of Incorporation)

- (1) The Articles of Incorporation of the Institute shall describe the following:
  - (i) Purposes;
  - (ii) Name;
  - (iii) Places of offices;
  - (iv) Matters pertaining to members;
  - (v) Matters pertaining to officials including their number, term of service and selection method;
  - (vi) Matters pertaining to Councilors and the Council;
  - (vii) Matters pertaining to services and execution thereof;
  - (viii) Matters pertaining to accounting;
  - (ix) Matters pertaining to the amendment of the Articles of Incorporation; and
  - (x) Matters pertaining to public notice.
- (2) Any amendment to the Articles of Incorporation of the Institute shall not be effective unless authorized by the Minister of METI.

Article 59-6 (Registration)

- (1) The Institute shall be subject to registration in accordance with the provisions of a Cabinet Order.
- (2) Matters requiring registration under the preceding paragraph may not be asserted as known against a third party until such registration has been completed.

Article 59-7 (Restriction on Use of the Name)

No person other than the Institute may use the name "High Pressure Gas Safety Institute of Japan."

Article 59-8 (Application of the Civil Code)

The provisions of Article 44 (Capacity of Juridical Person to Commit Tortious Acts) and Article 50 (Domicile of Juridical Person) of the Civil Code shall apply mutatis mutandis to the Institute.

**Section 2 Members**

Article 59-9 (Eligibility)

A person falling under any item below shall be eligible for membership of the Institute:

- (i) A person conducting the business of producing high pressure gas;
- (i-ii) A Designated Completion Conformity Inspection Body under the proviso of paragraph (1) of Article 20;
- (i-iii) A Designated Safety Conformity Inspection Body under item (i) of paragraph (1) of Article 35;
- (i-iv) An Investigation Agency of Inspection Organization, etc. under Article 59;
- (ii) A person conducting the business of selling high pressure gas;
- (ii-i) A Designated Import Conformity Inspection Body under item (i) of paragraph (1) of Article 22;
- (iii) A Specific High Pressure Gas Consumer;
- (iv) A container manufacturer or a person conducting the business of manufacturing container accessories;
- (iv-ii) A Designated Container Conformity Inspection Body under paragraph (1) of Article 44 or a person with a registered container reinspection station under paragraph (1) of Article 49;
- (v) A person conducting the business of manufacturing equipment for the production of high pressure gas;
- (v-ii) A Designated Conformity Inspection Body for Specified Equipment under paragraph (1) of Article 56-3;
- (v-iii) A Designated Accreditation Agency for Specified Equipment under paragraph (1) of Article 56-7;
- (v-iv) A Designated Training Agency under paragraph (3) of Article 31 or a Designated Examining Body under paragraph (1) of Article 31-2;
- (vi) A person conducting the business of manufacture or sale of LPG appliances or other products as provided for in paragraph (7) of Article 2 of the LPG Act or an Authorized Verification Agency under paragraph (1) of Article 62-2 of the same Act;
- (vi-ii) A Safety Agency under paragraph (2) of Article 27 of the LPG Act;
- (vi-iii) A Designated Examining Body under paragraph (1) of Article 38-6 of the LPG Act or a person designated by the Minister of METI under paragraph (1) of



Article 38-9 of the LPG Act;

- (vii) An association of persons falling under any of the foregoing items; or
- (viii) A person with specialized knowledge of technical matters pertaining to the safety of high pressure gases or a person otherwise provided for in the Articles of Incorporation.

Article 59-10 (Enrollment and Withdrawal)

- (1) The Institute shall not decline, without a justifiable reason, an application for enrollment therein made by any person eligible for membership.
- (2) Any member of the Institute may withdraw from the Institute at any time.

Article 59-11 (Membership Fee)

Every member of the Institute shall pay the membership fee in accordance with the provisions of the Articles of Incorporation.

### **Section 3 Officers, Councilors and Staff**

Article 59-12 (Officers)

The Institute shall have a President, a Vice President, Directors and an Auditor as Officers.

Article 59-13 (Duties and Powers of Officers)

- (1) The President shall represent the Institute and preside over the affairs thereof.
- (2) The Vice President shall assist the President in administering the affairs of the Institute as prescribed by the President, act on behalf of the President whenever he/she is prevented from acting as such, and perform the duties of the President when his/her position is vacant.
- (3) The Directors shall assist the President and the Vice President in administering the affairs of the Institute as prescribed by the President, act on behalf of the President and the Vice President whenever they are prevented from acting as such, and perform their duties when their positions are vacant.
- (4) The Auditor shall audit the affairs of the Institute.
- (5) When deemed necessary, the Auditor may submit his/her opinion based on the audit results to the President or the Minister of METI.

Article 59-14 Deletion

Article 59-15 (Ineligibility for an Officer)

Employees of the Government or local government (except part-time employees) shall be ineligible for the position of an officer of the Institute.

Article 59-16 (Dismissal of an Officer)

Whenever any officer of the Institute becomes ineligible under Article 59-15, the Institute shall dismiss such officer.

Article 59-17 (Appointment or Dismissal of Officer)

- (1) The appointment or dismissal of an officer of the Institute shall not come into effect without obtaining the authorization of the Minister of METI.
- (2) Should any officer of the Institute violate this Act, an order or disposition pursuant thereto, the Articles of Incorporation or the Institute's Business Rules or commit a considerably inappropriate act in relation to the service of the Institute, the Minister of METI may order the Institute to dismiss such officer, specifying a time limit.
- (3) If the Institute does not dismiss an officer who has become ineligible under the provision of Article 59-15 or does not obey the order pursuant to the provision of the preceding paragraph, the Minister of METI may dismiss such officer.

Article 59-18 (Prohibition of Holding Other Positions)

An officer shall neither take office as an officer of a profit-making organization nor personally engage in a profit-making business; provided, however, that this shall not apply when the Minister of METI has approved it, deeming that it will not prejudice the performance of his/her duty as an officer.

Article 59-19 (Restriction on Authority of Representation)

The President shall not have the authority of representation the Institute with respect to any matter in which the interests of the Institute conflict with those of the President. In such a case, the Auditor shall represent the Institute.

Article 59-20 (Appointment of an Agent)

The President may appoint, from among the Directors or staff members of the Institute, an agent empowered to act in or out of a court of law in respect to all affairs of a secondary office of the Institute.

Article 59-21 (Council)

- (1) The Institute shall have a Council.
- (2) The Council shall be composed of the President and a number of Councilors as specified in the Articles of Incorporation.
- (3) The Council shall have a Chairman and the President shall serve as the Chairman.
- (4) The Chairman shall preside over the affairs of the Council.

- (5) The Council shall appoint, from among the Councilors, a deputy for the Chairman in the event that the Chairman is unable to perform his/her duty.

#### Article 59-22 (Councilors)

The Councilors shall be elected by the members in accordance with the Articles of Incorporation from among the members (or from the representative or agents in case that such members are juridical persons).

#### Article 59-23 (Powers of Council)

- (1) The following issues shall be subject to resolutions of the Council:
  - (i) Amendments to the Articles of Incorporation;
  - (ii) Membership fee and method of collection thereof; and
  - (iii) Other matters as specified in the Articles of Incorporation.
- (2) In addition to the items in the preceding paragraph, the Council shall, as requested by the President, study or deliberate on other important matters with respect to the operation of the Institute.

#### Article 59-24 (Business of the Council)

- (1) The Council shall not open a meeting or make any resolution unless a majority of the Councilors are present.
- (2) The business of the Council shall be decided by a majority of the Councilors present thereat. If a vote ends in a tie, the Chairman's vote shall decide the issue.

#### Article 59-25 (Appointment of Staff)

The staff of the Institute shall be appointed by the President.

#### Article 59-26 (Obligation to Maintain Secrecy of Officers and Staff)

The officers and staff of the Institute (including those who conduct work relating to the determination in paragraph (1) of Article 59-30-2; the same shall apply in the following Article and Article 83-3) or those who have taken such office shall not disclose or misappropriate any confidential information they acquire through or in relation to the performance of their duties of their office.

#### Article 59-27 (Position of Officers and Staff)

The officers and staff of the Institute shall be deemed to be personnel engaged in public service under laws and regulations with regard to the application of the Penal Code or other penal provisions.

### **Section 4 Services**

Article 59-28 (Scope of Services)

- (1) In order to achieve the purpose as provided for in Article 59-2, the Institute shall:
  - (i) Conduct studies and research, provide guidance and gather and furnish information concerning the safety of high pressure gases;
  - (ii) Provide advice and suggestions to the Minister of METI concerning technical matters relating to the safety of high pressure gases;
  - (iii) Provide training courses referred to in paragraph (7) of Article 27-2 and paragraph (3) of Article 31 of this Act as well as paragraph (3) of Article 19, paragraph (4) of Article 37-5 and Article 38-9 of the LPG Act;
  - (iv) Conduct completion inspection under the proviso of paragraph (1) of Article 20 or item (i) of paragraph (3) of said Article, import inspection under item (i) of paragraph (1) of Article 22, safety inspection under item (i) of paragraph (1) of Article 35, container inspection under paragraph (1) of Article 44, container reinspection under paragraph (1) of Article 49, accessory inspection under paragraph (1) of Article 49-2, accessory reinspection under paragraph (1) of Article 49-4, tests under paragraph (1) of Article 49-23, Designated Equipment Inspection under paragraphs (1) to (3) inclusive of Article 56-3, completion inspection under the proviso of paragraph (1) of Article 37-3 of the LPG Act (including the cases where applied mutatis mutandis pursuant to paragraph (4) of Article 37-4 of the LPG Act), safety inspection under the proviso of paragraph (1) of Article 37-6 of the LPG Act (hereinafter referred to as "safety inspection, etc.") or other inspections as necessary for the safety of high pressure gases;
  - (iv-ii) Conduct investigations under paragraph (1) of Article 39-7 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 39-8), paragraph (3) of Article 39-7 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of Article 39-8), paragraph (1) of Article 49-8 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-9 or paragraph (2) of Article 49-31) or paragraph (1) of Article 56-6-5 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-6 or paragraph (2) of Article 56-6-22);
  - (iv-ii-ii) Issue Designated Equipment Standards Conformity Certificates under paragraph (2) of Article 56-6-14;
  - (iv-ii-iii) Accredite Specified Equipment;
  - (iv-iii) Provide training courses on the knowledge and skills required for a LPG Installation Engineer under paragraph (6) of Article 2 of the LPG Act;
  - (iv-iii-ii) Provide a guidance service on the technologies required to become a safety agency referred to in paragraph (2) of Article 27 of the LPG Act (including a guidance service commissioned by the Government of Japan);
  - (iv-iv) Conduct clerical work for issuing certificates or an examination service under the provision of paragraph (1) of Article 29-2 or paragraph (1) of Article

31-2 of this Act or paragraph (1) of Article 38-4-2 of the LPG Act or paragraph (1) of Article 38-6 of the LPG Act, clerical work for issuing certificates under paragraph (1) of Article 38-4-2 of the LPG Act or clerical work relating to the implementation of the LPG Installation Engineer Examination under paragraph (1) of Article 38-6 of the LPG Act (hereinafter referred to as "Examination Services, etc.");

(v) Deletion

(vi) Conduct education with respect to the safety of high pressure gases;

(vii) Conduct affairs incident to each of the foregoing items; and

(viii) In addition to what is listed in each of the preceding items, conduct other affairs as necessary to achieve the purpose of Article 59-2.

(2) When conducting the affairs as provided for in item (viii) of the preceding paragraph, the Institute shall obtain the authorization of the Minister of METI.

(3) In addition to those referred to in paragraph (1), the Institute may conduct, with the authorization of the Minister of METI, other inspections, tests and services, utilizing the equipment or technology owned by the Institute for the original purposes or such other services as deemed appropriate for the Institute to conduct, to the extent such services will not adversely affect the smooth implementation of those referred to in paragraph (1).

#### Article 59-29 (The Institute's Business Rules)

(1) When starting the business, the Institute shall prepare its Business Rules and have such rules authorized by the Minister of METI. Authorization shall be likewise required for a change of such Rules.

(2) The matters to be provided for in the Institute's Business Rules under the preceding paragraph shall be specified by an Ordinance of METI.

(3) When the Institute's Business Rules as authorized under paragraph (1) are found to have become inappropriate for the proper implementation of safety inspections, etc., accreditation of Specified Equipment, or examination services, etc., the Minister of METI may order a change(s) in such portions of the Institute's Business Rules as pertain to safety inspections, etc., accreditation of Specified Equipment, or examination services, etc.

#### Article 59-30 (Duties of Safety Inspection, etc. and Inspectors)

(1) The Institute shall promptly conduct safety inspection, etc., or accreditation of Specified Equipment as requested except in a case where there is a justifiable grounds not to do so.

(2) Whenever conducting safety inspections, etc. or accreditation of Specified Equipment, the Institute shall have such work performed by personnel with knowledge and experience who conform the conditions specified by an Ordinance of

METI.

- (3) Those who perform safety inspection, etc., or accreditation of Specified Equipment (hereinafter referred to as "Inspectors") shall perform their duties conscientiously.
- (4) When an Inspector has violated any provision of this Act or the LPG Act, any order pursuant thereto or the Institute's Business Rules or when his/her performance of duty is deemed likely to interfere with the proper implementation of safety inspections, etc., or accreditation of Specified Equipment, the Minister of METI may order the Institute to dismiss him/her from the service.

Article 59-30-2 (Examination Services, etc.)

- (1) When conducting examination services, etc., the Institute shall entrust personnel who have knowledge and experience that conform the conditions specified by an Ordinance of METI after determining whether or not an applicant has the knowledge and skills required for a Safety Technical Manager, Sales Safety Chief or LPG Installation Engineer.
- (2) The prefectural governor who has consigned examination services, etc. in whole or in part to the Institute may instruct the Institute to take measures necessary for the proper implementation of the consigned examination services, etc. without infringing on the scope of Business Rules of the Institute, whenever he/she deems it necessary to secure the proper implementation of such examination services, etc.
- (3) The provision of paragraph (4) of the preceding Article shall apply mutatis mutandis where the Institute conducts examination services, etc.

## **Section 4-2 Finance and Accounting**

Article 59-31 (Business Year)

The business year of the Institute shall commence on the first day of April each year and close on the thirty-first day of March of the subsequent year.

Article 59-32 (Business Plan, etc.)

The Institute shall prepare its business plan and an estimate of revenues and expenditures for each business year and obtain the authorization of the Minister of METI prior to the commencement of that business year. Authorization shall be likewise required in the event that such plan or estimate is changed.

Article 59-33 (Financial Statement)

- (1) The Institute shall make an inventory of property, a balance sheet and a statement of profit and loss (hereinafter collectively referred to as "financial statement") for each business year and submit them to the Minister of METI within three months following the close of that business year.

- (2) When submitting the financial statement under the preceding paragraph to the Minister of METI, the Institute shall attach thereto the statement of accounts, prepared for each section of the estimate, and the Auditor's comments on both the financial statement and the statement of accounts.

Article 59-33-2 (Mandate to METI Ordinance)

In addition to what is provided for in this Act and orders pursuant thereto, any other requirements for finances and accounting of the Institute shall be specified by an Ordinance of METI.

**Section 5 Supervision**

Article 59-34 (Supervision)

- (1) The Institute shall be subject to supervision by the Minister of METI.
- (2) When the Minister of METI finds it necessary for the implementation of this Act, the Minister of METI may issue such order to the Institute as necessary for ministerial supervision of the Institute's service.

Article 59-35 (Report and Inspection)

- (1) When the Minister of METI finds it necessary for the implementation of this Act, the Minister of METI may demand that the Institute report on its business or may send his/her staff to enter the Institute's office or other place of business and inspect the books, records or other property.
- (2) When entering and making inspections under the preceding paragraph, the staff shall carry proper identification and show it to the persons concerned.
- (3) The authority for entrance and inspection under paragraph (1) shall not be construed as approved for criminal investigation.

**Section 6 Dissolution**

Article 59-36

Dissolution of the Institute shall be provided for by a separate Act.

**Chapter V Miscellaneous Provisions**

Article 60 (Books)

- (1) Any Class 1 Producer, owner or possessor of a Class 1 or Class 2 Storage Place, Dealer, container manufacturer or person with a registered container reinspection station shall arrange and keep books in accordance with an Ordinance of METI to record matters as prescribed by an Ordinance of METI with respect to the

production, sale, incoming and outgoing of high pressure gas or containers or container reinspection or accessory reinspection.

- (2) Any Designated Examining Body, Designated Completion Conformity Inspection Body, Designated Import Conformity Inspection Body, Designated Safety Conformity Inspection Body, Designated Container Conformity Inspection Body, Designated Conformity Inspection Body for Designated Equipment or Designated Accreditation Agency for Specified Equipment and Conformity Inspection Body for Inspection Organization, etc. shall arrange and keep books in accordance with an Ordinance of METI to record matters as prescribed by an Ordinance of METI with respect to the completion inspection, import inspection, examination services, safety inspection, investigation of inspection organizations, etc. container inspection, etc., Designated Equipment Inspection or accreditation of Specified Equipment.

#### Article 61 (Demand for Report)

- (1) When the Minister of METI or the prefectural governor finds it necessary for the maintenance of public safety or the prevention of disasters, he/she may demand a report on the business from any Class 1 Producer, Class 2 Producer, owner or possessor of a Class 1 or Class 2 Storage Place, Dealer, importer of high pressure gas, Specific High Pressure Gas Consumer, LPG Dealer under Article 6 of the LPG Act, container manufacturer, importer of containers, person with a registered container reinspection station or apparatus manufacturer.
- (2) When the Minister of METI finds it necessary for the maintenance of public safety or the prevention of disasters, he/she may demand a report on the business or accounting from any Designated Completion Conformity Inspection Body, Designated Import Conformity Inspection Body, Designated Safety Conformity Inspection Body, Designated Container Conformity Inspection Body, Designated Conformity Inspection Body for Designated Equipment or Designated Accreditation Agency for Specified Equipment or Investigation Agency for Inspection Organization, etc.
- (3) When the Minister of METI finds it necessary to secure the proper implementation of the training service under paragraph (3) of Article 31 or the examination service, the Minister of METI may demand a report on the business or accounting from any Designated Training Agency or Designated Examining Body.
- (4) When the consigning prefectural governor finds it necessary to secure the proper implementation of the consigned examination service, he/she may demand a report on the state of the consigned examination service from the relevant Designated Examining Body.



Article 62 (Entrance for Inspection)

- (1) When the Minister of METI or the prefectural governor finds it necessary for the maintenance of public safety or the prevention of disasters, he/she may send his/her staff to enter any office, business office, plant, workplace, storage place of high pressure gas or containers or container reinspection station of any high pressure gas producer, owner or possessor of a Class 1 or Class 2 Storage Place, Dealer, person storing or consuming high pressure gas, importer of high pressure gas, LPG Dealer under Article 6 of the LPG Act, person manufacturing containers, importer of containers or person with a registered container reinspection station, and cause such staff to inspect the books, records and other necessary articles, question the persons concerned or sample the high pressure gas to the minimum volume required for examination.
- (2) When the Minister of METI finds it necessary for the maintenance of public safety or the prevention of disasters, he may send his/her staff to enter any office or place of business of any Designated Completion Conformity Inspection Body, Designated Import Conformity Inspection Body, Designated Safety Conformity Inspection Body, Designated Container Conformity Inspection Body, Designated Conformity Inspection Body for Designated Equipment, Designated Accreditation Agency for Specified Equipment or Investigation Agency for Inspection Organization, etc., and cause such staff to inspect the state of business, books, records and other necessary articles or question the persons concerned.
- (3) When the Minister of METI finds it necessary to secure the proper implementation of the training service under paragraph (3) of Article 31 or the examination service, he/she may send his/her staff to enter any office of any Designated Training Agency or Designated Examining Body and cause such staff to inspect the state of business, books, records and other necessary articles or question the persons concerned.
- (4) When the consigning prefectural governor finds it necessary to secure the proper implementation of the consigned examination service, he/she may send his staff to enter any office of the relevant Designated Examining Body and cause such staff to inspect the state of business, books, records and other necessary articles or question the persons concerned.
- (5) When a police official finds it particularly necessary to prevent damage to human life, body or property, he/she may enter the place of production, sale or consumption of high pressure gas or a Class 1 or Class Storage Place or any storage place of high pressure gas and question the persons concerned.
- (6) The staff or police officer referred to in each of the preceding paragraphs shall carry proper identification and show it to the persons concerned.
- (7) Those authorities for entrance inspection, questioning or sampling under paragraphs (1) to (5) inclusive shall not be construed as approved for criminal

investigation.

#### Article 63 (Notification Report of Accident)

- (1) Any Class 1 Producer, Class 2 Producer, Dealer, LPG Dealer under Article 6 of the LPG Act, person storing or consuming high pressure gas, container manufacturer, importer of containers or any other person who otherwise handles high pressure gas or containers shall, in the following cases, submit a notification report thereof to the prefectural governor or police official without delay:
  - (i) When an accident has taken place with respect to the high pressure gas he/she owns or possesses; or
  - (ii) When the high pressure gas or any container he owns or possesses has been lost or stolen.
- (2) In the event of item (i) of the preceding paragraph, the Minister of METI or the prefectural governor may order the owner or possessor of the high pressure gas to report the date and time, the place, and the cause of the accident, the type and quantity of the high pressure gas, the extent of loss or damage and any other necessary matters.

#### Article 64 (Prohibition to Change Existing Conditions)

When an accident due to high pressure gas has taken place, no person shall change the existing conditions without instructions by the Minister of METI, the prefectural governor or a police official except for the security of traffic or other inevitable reasons for public interest; provided however, that this shall not apply when measures are taken under the provisions of paragraph (1) of Article 36 of this Act or item (iv) of paragraph (1) of Article 27 of the LPG Act.

#### Article 65 (Condition of Permission, etc.)

- (1) Condition of permission may be set with regard to permission under paragraph (1) of Article 5, paragraph (1) of Article 14, paragraph (1) of Article 16 or paragraph (1) of Article 19 or with regard to approval under paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33.
- (2) The condition set forth in the preceding paragraph shall be restricted to the necessary minimum for the maintenance of public safety or the prevention of disasters and shall not impose undue obligations upon the applicant for permission or approval.

Articles 66 Deletion

Article 67 Deletion

Article 68 Deletion

Article 69 Deletion

Article 70 Deletion

Article 71 Deletion

Article 72 Deletion

Article 73 (Fees)

(1) Any person listed below (limited to those who intend to consider formalities with the Minister of METI or the Director General of Industrial Safety and Inspection Department or the Institute or a Designated Examining Body to which the Minister of METI or the Director General of Industrial Safety and Inspection Department have consigned their examination procedure) shall pay the corresponding fees in the amount specified by a Cabinet Order with consideration to the actual cost; provided, however, that this shall not apply if such person is a prefecture.

(i) Deletion

(ii) Deletion

(iii) Deletion

(iv) Deletion

(v) Deletion

(vi) An applicant for accreditation under item (ii) of paragraph (3) of Article 20 or its renewal;

(vii) Deletion

(viii) An applicant for the Production Safety Management Examination;

(ix) An applicant for the issuance of a Production Safety Management Certificate;

(x) An applicant for the reissuance of a Production Safety Management Certificate;

(xi) Deletion

(xii) Deletion

(xiii) Deletion

(xiv) Deletion

(xv) An applicant for accreditation under item (ii) of paragraph (1) of Article 35 or its renewal;

(xvi) An applicant for container inspection or container reinspection;

(xvi-ii) An applicant for registration under paragraph (1) of Article 49-5 or paragraph (1) of Article 49-31 or its renewal;

(xvi-iii) An applicant for the reissuance of a registration certificate under Article

- 49-15 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-31);
- (xvi-iv) An applicant for the issuance of an authenticated copy of the Registry of Manufacturers of Containers, etc., Registry of Foreign Manufacturers of Containers, etc., Registry of Manufacturers of Designated Equipment or Registry of Foreign Manufacturers of Designated Equipment (hereinafter collectively referred to as "Registry of Manufacturers of Containers, etc. or Other Registers" in this Article);
  - (xvi-v) An applicant for the perusal of the Registry of Manufacturers of Containers, etc. or Other Registers;
  - (xvi-vi) An applicant for approval under paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33;
  - (xvii) An applicant for registration of a container reinspection station or the renewal thereof;
  - (xviii) An applicant for a stamping, etc., as provided for in paragraph (2) of Article 54;
  - (xix) An applicant for accessory inspection or accessory reinspection;
  - (xx) An applicant for Designated Equipment Inspection;
  - (xx-ii) An applicant for registration under paragraph (1) of Article 56-6-2 or paragraph (1) of Article 56-6-22 or its renewal;
  - (xx-iii) An applicant for the reissuance of a registration certificate under Article 56-6-12 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22);
  - (xx-iv) An applicant for the issuance of a Designated Equipment Standards Conformity Certificate;
  - (xxi) An applicant for the accreditation of Specified Equipment; or
  - (xxii) An applicant for the reissuance of a Designated Equipment Inspection Certificate, Designated Equipment Standards Conformity Certificate or a Specified Equipment Accreditation Certificate.
- (2) The fees referred to in the preceding paragraph shall be considered as incomes of The National Treasury for fees payable by those applying for accreditation under item (ii) of paragraph (3) of Article 20 or item (ii) of paragraph (1) of Article 35 or its renewal, those applying for the Production Safety Management Examination conducted by the Minister of METI or the General Manager of Industrial Safety Management Division, those applying for the issue or reissuance of a Production Safety Management Certificate by the Minister of METI or the General Manager of Industrial Safety Management Division, those applying for container inspection, container reinspection, accessory inspection, accessory reinspection, Designated Equipment Inspection, accreditation of Specified Equipment, registration of a container reinspection station or registration under paragraph (1) of Article 49-5,

paragraph (1) of Article 49-31, paragraph (1) of Article 56-6-2 or paragraph (1) of Article 56-6-22 or its renewal, those applying for the reissuance of a registration certificate under Article 49-15 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-31) or Article 56-6-12 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-22), those applying for the issuance of an authenticated copy of or to peruse the Registry of Manufacturers of Containers, etc. or other registries to the Minister of METI or the General Manager of Industrial Safety Management Division or those applying for approval under paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33, those applying for the reissuance of a Designated Equipment Inspection Certificate or a Specified Equipment Accreditation Certificate or those applying for the issue or reissuance of a Designated Equipment Standards Conformity Certificate and those applying for the stamping or marking plate to be conducted by the Minister of METI or the General Manager of Industrial Safety Management Division under the provision of paragraph (2) of Article 54; The Institute for fees payable by those applying for the Production Safety Management Examination of which the examination service is wholly conducted by the Institute; A Designated Examining Body for fees payable by those applying for the Production Safety Management Examination of which the examination service is wholly conducted by such Designated Examining Body.

#### Article 73-2

When collecting fees payable for Production Safety Management Examination or Sales Safety Chief Examination in accordance with the provision of Article 227 of the Local Autonomy Act (Act No. 67 of 1947), prefectures may make applicants for Production Safety Management Examination or Sales Safety Chief Examination to be conducted by the Institute or a Designated Examining Body pursuant to the provision of paragraph (1) of Article 31-2 pay such fees to the Institute or such Designated Examining Body as prescribed by a Prefectural Ordinance and the Institute or such Agency may receive such fees paid as their incomes.

#### Article 74 (Relation between Prefectural Governor and Public Safety Commission, etc.)

(1) Upon granting permission under paragraph (1) of Article 5 or paragraph (1) of Article 16, receiving a notification report under paragraph (2) of Article 5, paragraph (1) of Article 17-2, Article 20-4, Article 21, paragraph (1) of Article 24-2 or paragraph (2) of Article 24-4 or revoking permission under the provision of paragraph (1) of Article 38, the prefectural governor shall, in accordance with the provisions of a Cabinet Order, notify the prefectural Public Safety Commission, the municipal fire defense director (or the municipal head person in the case where no

fire defense headquarters is provided therein) or the director of the District Maritime Safety Headquarters of such event.

- (2) Upon receiving a notification report under paragraph (2) of Article 36 or paragraph (1) of Article 63, the police official shall promptly notify the relevant prefectural governor of such notification report.
- (3) Upon receiving a notification report under paragraph (2) of Article 36, the fire officer or the member of the firefighting team or the maritime safety officer shall promptly notify the relevant prefectural governor of such notification report.
- (4) Upon receiving a notification report under the provisions of paragraph (2) of Article 36 or paragraph (1) of Article 63 or upon receiving notification under the preceding two paragraphs, the prefectural governor shall report receipt of such report or notification to the Minister of METI as specified by an Ordinance of METI.

#### Article 74-2 (Public Notices)

- (1) The Minister of METI shall publish in the official gazette in any of the following cases:
  - (i) When he/she has approved designation under the proviso of paragraph (1) of Article 20, paragraph (1) of Article 22, paragraph (3) of Article 31, paragraph (1) of Article 31-2, the proviso of paragraph (1) of Article 35, paragraph (1) of Article 39-7, paragraph (3) of said Article, paragraph (1) of Article 44, paragraph (1) of Article 49-8, paragraph (1) of Article 56-3, paragraph (1) of Article 56-6-5 or paragraph (1) of Article 56-7;
  - (i-ii) When he/she has given accreditation under item (ii) of paragraph (3) of Article 20, or item (ii) of paragraph (1) of Article 35;
  - (i-iii) When he/she has revoked accreditation under the provision of paragraph (1) of Article 39-12 or when he/she has confirmed that such accreditation has ceased to be effective under the provision of paragraph (2) of said Article;
  - (ii) When he/she has consigned the examination service to the Institute or a Designated Examining Body under the provision of paragraph (1) of Article 31-2;
  - (ii-ii) When he/she has given approval under the provision of paragraph (1) of Article 49-21 or paragraph (1) of Article 49-33;
  - (ii-iii) When he/she has confirmed that approval has ceased to be effective under the provision of Article 49-28 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 49-33) or when he/she has revoked approval under the provision of Article 49-29 or Article 49-34;
  - (iii) When he/she has received a notification report under paragraph (1) of Article 58-6 or Article 58-22 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of

- Article 58-33 and Article 59);
- (iv) When he/she has given permission under paragraph (1) of Article 58-8;
  - (v) When he/she has revoked designation or ordered a suspension in whole or in part of the examination service or completion inspection, import inspection, safety inspection, investigation of inspection organizations, container inspection, etc., Designated Equipment Inspection or accreditation of Specified Equipment under the provisions of paragraph (1) or (2) of Article 58-15 or Article 58-30 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33 and Article 59);
  - (v-ii) When he/she has received a notification report under the provision of Article 58-24 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33 and Article 59); or
  - (vi) When he/she has decided to directly conduct all or a part of the examination service under the provision of paragraph (1) of Article 58-16 or not to conduct all or a part of the examination service which has been directly conducted by himself/herself under the provision of said paragraph.
- (2) The prefectural governor shall notify the public in any of the following cases:
- (i) When he/she has consigned the examination service to the Institute or a Designated Examining Body under the provision of paragraph (1) of Article 31-2;
  - (ii) When he/she has decided to dismiss the Institute or a Designated Examining Body from the examination service which he/she has consigned under the provision of paragraph (1) of Article 31-2;
  - (iii) When he/she has received a notification report under paragraph (2) of Article 58-6; or
  - (iv) When he/she has decided to directly conduct all or a part of the examination service under the provision of paragraph (1) of Article 58-16 or not to conduct all or a part of the examination service which has been directly conducted by himself/herself under the provision of the same paragraph.

#### Article 75 (Public Hearing and Other Matters)

The Minister of METI shall refer to the Institute for its opinions when instituting, or abolishing any METI Ordinance referred to in item (i) or (ii) of Article 8, paragraph (1) or (2) of Article 12, Article 13, paragraph (1) of Article 15, paragraph (2) of Article 16, paragraph (1) of Article 22 (except item (iii) or (iv)), Article 23, Article 24, paragraph (1) or (2) of Article 24-3, Article 24-5, Article 25, paragraph (1) of Article 41, paragraph (4) of Article 44, item (iv) of paragraph (1) of Article 48, paragraph (2) of Article 49, paragraph (4) of Article 49-2, paragraph (2) of Article

49-4, paragraph (3) of Article 50, paragraph (5) of Article 56, paragraph (4) of Article 56-3, paragraph (2) of Article 56-7 or Article 57.

#### Article 76 (Special Rules for Hearing)

- (1) When intending to issue an order under the provisions of Article 38, Article 53 or Article 58-30 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33 and Article 59), an administrative agency shall hold a hearing regardless of the category of procedure for the declaration of opinions provided for in the provision of paragraph (1) of Article 13 of the Administrative Procedure Act (Act No. 88 of 1993).
- (2) For a disposition taken under Article 9, Article 30, Article 34, Article 38, paragraph (4) of Article 52, Article 53, Article 58-11 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of Article 58-12), paragraph (1) or (2) of Article 58-15, Article 58-27 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33 and Article 59) or Article 58-30 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59), the inquiry made on the date of the hearing shall be open to the public.
- (3) When persons concerned with respect to such disposition wish to participate in the procedure of a hearing under the provision of paragraph (1) of Article 17 of the Administrative Procedure Act, the person in charge of the preceding paragraph shall permit them to participate.

#### Article 77 (Claim for Review over Dispositions, etc. Taken by the Institute, etc.)

Those who may have a complaint about dispositions (except dispositions concerning the result of the examinations) or omission taken or made under this Act or any order pursuant thereto by the Institute, a Designated Examining Body, Designated Container Conformity Inspection Body, person with a registered container reinspection station, Designated Conformity Inspection Body for Designated Equipment or Designated Accreditation Agency for Specified Equipment may request a review to the Minister of METI in accordance with the provisions of the Administrative Appeal Act (Act No. 160 of 1962).

#### Article 78 (Hearing as Part of Appeal Procedure)

- (1) The determination or decision in response to a request for review or opposition in



respect to any disposition taken under this Act or any order pursuant thereto (except dispositions taken concerning the result of container inspection or reinspection, accessory inspection or reinspection, Designated Equipment Inspection or accreditation of Specified Equipment) shall be given to the person subject to such disposition after an open hearing to be held upon prior notice allowing such person a reasonable period of time.

(2) In the prior notice set forth in the preceding paragraph, the date, venue and contents of the hearing shall be announced.

(3) At the hearing under paragraph (1), the persons subject to such disposition and the parties concerned shall be given an opportunity to show evidence and state their opinion.

#### Article 78-2 (Restriction on Appeals)

No appeals under the Administrative Appeal Act may be made for any dispositions taken under Article 39.

#### Article 78-3 (Transitional Measures)

The order instituting, amending or abolishing any order under this Act may prescribe therein transitional measures as required (including transitional measures for penal provisions) to the extent deemed reasonably necessary for such institution, amendment or abolishment.

#### Article 78-4 (Duties Performed by Prefectures)

A part of the duties which fall under the authority of the Minister of METI under this Act may be delegated to prefectural governors pursuant to the provisions of a Cabinet Order.

#### Article 79 (Delegation of Authority)

The authority vested in the Minister of METI under this Act or any order pursuant thereto may be delegated to the General Manager of Industrial Safety Management Division or other administrative organs pursuant to the provision of a Cabinet Order.

#### Article 79-2 (Instructions by the Minister of METI)

The Minister of METI may give necessary instructions to prefectural governors in relation to the duties they are to perform under this Act or pursuant to the provision of a Cabinet Order as prescribed by Article 78-4 hereof, in the event he/she finds it urgently necessary for the maintenance of public safety or the prevention of disasters to do so.

## Chapter VI Penal Provisions

### Article 80

Any person who falls under any of the following items shall be punished by imprisonment with work of not more than 1 year or a fine of not more than 1,000,000 yen, or both:

- (i) A person who has produced high pressure gas without obtaining the permission required under paragraph (1) of Article 5;
- (ii) A person who has violated an order to suspend production under paragraph (1) of Article 38;
- (iii) A person who has violated an order to suspend the use of facilities for production under item (i) of Article 39 or the prohibition or restriction of production under item (ii) of said Article;
- (iii-i) A person who has violated an order under Article 49-30 or Article 49-35; or
- (iv) A person who has violated an order under Article 53.

### Article 80-2

In the event of a violation by a Designated Completion Conformity Inspection Body, Designated Import Conformity Inspection Body, Designated Safety Conformity Inspection Body, Designated Container Conformity Inspection Body, Designated Conformity Inspection Body for Designated Equipment or Designated Accreditation Agency for Specified Equipment or Investigation Agency of Inspection Organization, etc. of an order to suspend business under Article 58-30 (including the cases where applied *mutatis mutandis* pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33, and Article 59), the officer(s) and/or personnel who have committed such violation shall be punished by imprisonment with work of not more than 1 year or a fine of not more than 1,000,000 yen, or both.

### Article 80-3

Any person who falls under any of the following items shall be punished by imprisonment with work of not more than one year and/or a fine of not more than 1,000,000 yen:

- (i) A person who has leaked any secrecy which has come to his/her knowledge through the administrative work of issuing a certificate in violation of the provision of paragraph (2) of Article 29-2; or
- (ii) A person who has leaked any confidential information which has come to his/her knowledge through the examination service in violation of the provision of paragraph (1) of Article 58-13.

Article 80-4

In the event of a violation by a Designated Examining Body of an order to suspend the examination service under paragraph (2) of Article 58-15, the officer(s) and/or personnel who have committed such violation shall be punished by imprisonment with work of not more than 1 year or a fine of not more than 1,000,000 yen.

Article 80-5

Any person who, in violation of the provision of Article 59-26, has disclosed or misappropriated any confidential information he/she acquired in relation to his/her duties shall be punished by imprisonment with work of not more than 1 year or a fine of not more than 1,000,000 yen.

Article 81

Any person who falls under any of the following items shall be punished by imprisonment with work of not more than 6 months or a fine of not more than 500,000 yen, or both:

(i) Deletion

(ii) A person who, without the permission required under paragraph (1) of Article 14, has executed construction work to change the location, structure or equipment of facilities for production or has changed the type or the method of production of the high pressure gas produced;

(iii) A person who has violated any provision of paragraph (1) of Article 16, paragraph (1) or (3) of Article 20, paragraph (1), (3) or (4) of Article 27-2, paragraph (1) or (2) of Article 27-3, paragraph (1) of Article 27-4, paragraph (1) of Article 28, paragraph (1) of Article 33, paragraphs (1) to (4) inclusive of Article 48, paragraph (1) of Article 51 or paragraph (1) of Article 52;

(iv) A person who, without the permission required under paragraph (1) of Article 19, has executed construction work to change the location, structure or equipment of a High Pressure Gas Storage Place;

(iv-i) A person who has violated an order under paragraph (3) of Article 22;

(v) Deletion

(vi) A person who has violated an order to suspend storage under paragraph (1) of Article 38 or an order to suspend production, storage, sale or consumption under paragraph (2) of said Article;

(vii) A person who has violated an order under item (i) of Article 39 to suspend the use of a Class 1 or Class 2 Storage Place, sales locations or facilities for consuming Specific High Pressure Gas or has violated prohibition or restriction under item (ii) of said Article as to delivery, storage, transportation, consumption or disposal or who has violated an order under item (iii) of said Article;

- (viii) A person who has failed to mark as required under any provision of paragraph (1) or (2) of Article 46, paragraph (1) of Article 47, paragraph (3) of Article 54 or paragraph (1) of Article 56-5 (including the cases where applied mutatis mutandis pursuant to paragraph (1) of Article 56-6-15 and paragraph (1) of Article 56-9) or has stamped or marked fraudulently;
- (ix) A person with a registered container reinspection station who has failed to stamp or attach a marking plate as required under the provision of paragraph (3) or (4) of Article 49 or paragraph (3) of Article 49-4 or has had a container reinspection station registered with fraudulent stamping or attaching of a marking plate thereunder;
- (x) A person who has conducted the reinspection of containers or accessories in violation of the restriction under paragraph (4) of Article 50 or a person who has conducted the inspection of Designated Equipment in violation of the restriction under paragraph (2) of Article 56-6-4;
- (xi) A person who has violated the condition of permission referred to in Article 65.

#### Article 82

Any person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen:

- (i) A person who has violated any provision of paragraph (1) or (2) of Article 11, paragraph (1) of Article 15, paragraph (1) or (2) of Article 18, paragraph (1) of Article 20-6, paragraph (1) of Article 22, paragraph (2) of Article 28, Article 37, paragraph (1) of Article 44, paragraph (3) of Article 45, paragraph (3) of Article 46, paragraph (2) of Article 47, paragraph (5) of Article 49, paragraph (1) of Article 49-2, paragraph (2) of Article 49-3, paragraph (4) of Article 49-4, paragraph (2) of Article 51, paragraph (2) of Article 56-4 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of Article 56-6-14 and paragraph (3) of Article 56-8) or paragraph (2) of Article 56-5 (including the cases where applied mutatis mutandis pursuant to paragraph (1) of Article 56-9);
- (ii) Deletion
- (iii) A person who has failed to undergo the inspection as required under the provision of paragraph (1) or (2) of Article 56-3;
- (iii-ii) A person who has produced high pressure gas without drawing up his/her own Hazard Prevention Code referred to in paragraph (1) of Article 26;
- (iv) A person who has violated an order under paragraph (2) of Article 41; or
- (v) A person who has violated prohibition under Article 49-26.

#### Article 83

Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) A person who has failed to submit a notification report as required under any provision of paragraph (2) of Article 10, paragraph (2) of Article 14, paragraph (2) of Article 17, paragraph (2) of Article 19, Article 20-7, Article 21, Article 24-4, paragraph (1) of Article 26, paragraph (5) of Article 27-2 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 27-4, paragraph (3) of Article 28 or paragraph (3) of Article 33), paragraph (6) of Article 27-2 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of Article 27-3), paragraph (1) or (2) of Article 39-9, Article 49-12, Article 49-14, paragraph (2) of Article 52, Article 56-2, Article 56-6-9, Article 56-6-11, paragraph (1) of Article 63 or has submitted a fraudulent notification report thereunder;
- (ii) A person who has violated any provision of paragraph (1) or (2) of Article 12, Article 13, Article 23, Article 24, paragraph (1) or (2) of Article 24-3, Article 24-5, Article 25, paragraph (1) of Article 36, paragraph (3) of Article 56 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of said Article), Article 56-6 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 56-6-15 and paragraph (2) of Article 56-9), Article 57 or Article 64;
- (ii-i) A person who has started the business of production provided for in item (i) of said paragraph or the production provided for in item (ii) of said paragraph without submitting a notification report under the provision of paragraph (2) of Article 5 or has submitted a fraudulent notification report;
- (ii-ii) A person who has executed construction work to change the location, structure or equipment of the facilities for production or who has changed the type of high pressure gas for production or the production method without submitting a notification report under the provision of paragraph (4) of Article 14 or has submitted a fraudulent notification report;
- (ii-iii) A person who has stored high pressure gas without submitting a notification report under the provision of paragraph (1) of Article 17-2 or has submitted a fraudulent notification report;
- (ii-iv) A person who has executed construction work to change the location, structure or equipment of a Class 2 Storage Place without submitting a notification report under the provision of paragraph (4) of Article 19 or has submitted a fraudulent notification report;
- (ii-v) A person who has sold high pressure gas without submitting a notification report under Article 20-4 or has submitted a fraudulent notification report;
- (ii-vi) A person who has consumed Specified High Pressure gas without submitting a notification report under paragraph (1) of Article 24-2 or has submitted a fraudulent notification report;
- (ii-vii) A person who has consumed Specified High Pressure gas without submitting a notification report under paragraph (1) of Article 24-2 or has submitted a fraudulent notification report;
- (iii) A person who has violated an order under the provision of Article 30 or

- paragraph (1) of Article 56 (including the cases where applied mutatis mutandis pursuant to paragraph (4) of said Article);
- (iv) A person who has refused, obstructed or evaded inspection or sampling as required under paragraph (1) of Article 35 or paragraph (1) of Article 62;
  - (iv-ii) A person who has failed to produce or keep inspection records as required under the provision of Article 35-2 or has made a fraudulent record thereunder;
  - (iv-ii-ii) A person who has failed to prepare inspection records, prepared fraudulent inspection records, failed to store inspection records or refused to submit inspection records in violation of the provision of paragraph (2) of Article 39-10 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of said Article);
  - (iv-iii) A person who, without cause, has submitted a fraudulent notification report to the prefectural governor, police official or fire officer, member of a fire-fighting team or maritime safety officer in respect to the occurrence of a situation as described in paragraph (1) of Article 36;
  - (iv-iv) A person who has failed to return the registration certificate without a justifiable grounds in violation of the provision of Article 49-19;
  - (iv-v) A person who has failed to carry out an inspection or prepare inspection records, prepared fraudulent inspection records or failed to store inspection records in violation of the provision of paragraph (2) of Article 56-6-13;
  - (iv-vi) A person who has failed to return the registration certificate without a justifiable grounds in violation of the provision of Article 56-6-20;
  - (v) A person who has failed to keep books as required under the provision of paragraph (1) of Article 60 or has made a fraudulent description therein or has failed to store books;
  - (vi) A person who has failed to report as required under the provision of paragraph (1) of Article 61 or paragraph (2) of Article 63 or has made a fraudulent report thereunder; or
  - (vii) A person who has failed to answer questions under the provision of paragraph (1) or (5) of Article 62 or has made a fraudulent answer thereto.

#### Article 83-2

In the event of violations as listed in any of the following items, the officer(s) and/or personnel of a Designated Training Agency, Designated Examining Body, Designated Completion Conformity Inspection Body, Designated Import Conformity Inspection Body, Designated Safety Conformity Inspection Body, Designated Container Conformity Inspection Body, Designated Conformity Inspection Body for Designated Equipment or Designated Accreditation Agency for Specified Equipment or Investigation Agency of Inspection Organization, etc., who have committed such violation shall be punished by a fine of not more than 300,000 yen:

- (i) When they have totally discontinued the whole of the examination services without obtaining the permission under paragraph (1) of Article 58-8;
- (i-ii) When they have failed to submit a notification report as required under the provision of Article 58-24 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 58-30-2, paragraph (2) of Article 58-30-3, paragraph (2) of Article 58-31, paragraph (2) of Article 58-32, paragraph (2) of Article 58-33 and Article 59) or have submitted a fraudulent notification report;
- (ii) When they have failed to keep books as required under the provision of paragraph (2) of Article 60 or have made a fraudulent description therein or have failed to store books;
- (iii) When they have failed to report as required under paragraphs (2) to (4) inclusive of Article 61 or have made a fraudulent report thereunder; or
- (iv) When they have refused, obstructed or evaded inspection as required under paragraphs (2) to (4) inclusive of Article 62 or have failed to answer questions under the provision of these paragraphs or made a fraudulent answer thereto.

#### Article 83-3

The officer(s) and/or personnel of the Institute who have failed to report as required under paragraph (1) of Article 59-35 or made a fraudulent report thereunder or have refused, obstructed or evaded the inspection as required under the same paragraph shall be punished by a fine of not more than 300,000 yen.

#### Article 84 (Dual Punishment)

In the event of any violation under Articles 80, 81, 82 or 83 by a representative of a juridical person or by an agent, employee or other worker of a juridical person or individual in relation to the business of such juridical person or individual, such juridical person or individual shall be punished by a fine under this Article as well as the performer (actual offender) being punished by a punishment thereunder.

#### Article 85

In the event of any of the following violations, the officer(s) and/or personnel of the Institute who have committed such violation shall be punished by a non-penal fine of not more than 200,000 yen:

- (i) Failure to obtain the authorization or approval of the Minister of METI as required under the provision of this Act;
- (ii) Failure to effect the registration in accordance with the Cabinet Order as required under the provision of paragraph (1) of Article 59-6;
- (iii) Performance of any business other than the business as provided for in paragraphs (1) and (3) of Article 59-28;
- (iv) Violation of an order of the Minister of METI under paragraph (3) of Article

59-29, paragraph (4) of Article 59-30 (including the cases where applied mutatis mutandis pursuant to paragraph (3) of Article 59-30-2) or paragraph (2) of Article 59-34; or

- (v) Failure to submit the financial statement under paragraph (1) of Article 59-33 or submission thereof with a fraudulent description therein.

#### Article 86

Any person who falls under any of the following items shall be punished by a non-penal fine of not more than 100,000 yen:

- (i) Any person who has failed to submit a notification report under paragraph (2) of Article 10-2 (including the cases where applied mutatis mutandis pursuant to paragraph (2) of Article 24-2) or paragraph (2) of Article 20-4-2 or has submitted a fraudulent notification report;
- (ii) Any person using the name "High Pressure Gas Safety Institute of Japan" in violation of the provision of Article 59-7.