

# Measurement Act

(Act No. 51 of May 20, 1992)

The entirety of the Measurement Act (Act No. 207 of 1951) is revised

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## **Chapter I General Provisions**

### **(Purpose)**

Article 1 The purpose of this Act is to establish standards of measurement and ensure execution of appropriate measurement, and thereby to contribute to economic development and cultural enhancement.

### **(Definitions)**

Article 2 (1) The term "measurement" as used in this Act means to measure the following items (hereinafter referred to as the "quantity of the state of physical phenomena"), and the term "measurement units" means the standards for measurement:

- (i) length, mass, time, electric current, temperature, amount of substance, luminous intensity, angle, solid angle, area, volume, angular velocity, angular acceleration, velocity, acceleration, frequency, rotational frequency, wave number, density, force, moment of force, pressure, stress, viscosity, kinematic viscosity, work, power, mass flow rate, flow rate, quantity of heat, thermal conductivity, specific heat capacity, entropy, quantity of electricity, electric field strength, voltage, electromotive force, capacitance, magnetic field strength, magnetomotive force, magnetic flux density, magnetic flux, inductance, electric resistance, electric conductance, impedance, active power, reactive power, apparent power, active energy, reactive energy, apparent energy, attenuation of electromagnetic wave, electric power density of electromagnetic wave, radiant intensity, luminous flux, luminance, illuminance, sound power, sound pressure level, oscillating acceleration level, concentration, neutron emission rate, radioactivity, absorbed dose, absorbed dose rate, kerma, kerma rate, exposure, exposure rate, dose equivalent or dose equivalent rate; and
- (ii) linear density, specific gravity and other items prescribed by Cabinet Order.

- (2) The term "transactions" as used in this Act means an act committed in the course of business, whether with or without consideration, for the purpose of supplying goods or services, and the term "certification" means to represent to others publicly or in the course of business that a certain fact is true.
- (3) The measurements prescribed by Cabinet Order for the prevention of danger to human life or property arising from the driving of vehicles or operating ships, or from the handling of explosives, gases and other hazardous materials are deemed to be certifications for the purpose of this Act.
- (4) The term "measuring instruments" as used in this Act means appliances, machines or equipment used for measurement, and the term "specified measuring instruments" means measuring instruments used in transactions or certifications, or among measuring instruments principally for use in the lives of general consumers, those prescribed by Cabinet Order as being ones for which it is necessary to establish standards for their structure and instrumental error in order to ensure appropriate execution of measurements.
- (5) In this Act, the manufacturing of measuring instruments includes the alterations prescribed by Order of the Ministry of Economy, Trade and Industry, and the repair of measuring instruments includes other alterations.
- (6) The term "reference material" as used in this Act means a material with a specified value representing the quantity of the state of a physical phenomenon prescribed by Cabinet Order that is used for the measurement of errors of measuring instruments for measuring the quantity of the state of the physical phenomenon.
- (7) The term "calibration of a measuring instrument" as used in this Act means to measure the difference between the quantity of the state of a physical phenomenon indicated by the measuring instrument and the specified quantity of the state of the physical phenomenon, as a standard for the measuring instrument, represented by a measuring instrument designated pursuant to the provisions of Article 134, paragraph (1), or by a reference material manufactured by using an appliance, machine, or equipment designated pursuant to the provisions of the same paragraph.
- (8) The term "valuation of a reference material" as used in this Act means to revise the value of the quantity of the state of the physical phenomenon given to the reference material by measuring the difference between that quantity of the state of the physical phenomenon and the specified quantity of the state of the physical phenomenon, as a standard for the measuring instrument, represented by a reference material manufactured by using an appliance, machine or equipment designated pursuant to the provisions of Article 134, paragraph (1).

## **Chapter II Measurement Units**

(Measurement Units Pertaining to the International System of Units)

Article 3 The measurement units for the quantities of the state of physical phenomena listed in the left column of appended table 1 among the quantities of the state of the physical phenomena listed in paragraph (1), item (i) of the preceding Article are listed in the right column of the same table, and the definitions of those units are prescribed by Cabinet Order in accordance with resolutions of the General Conference on Weights and Measures, and other international decisions and practices with regard to measurement units.

(Other Measurement Units)

Article 4 (1) Beyond the measurement units prescribed in the preceding Article, the measurement units of the quantities of the state of the physical phenomena listed in the left column of appended table 2 are listed in the right column of the same table, and the definitions of those measurement units are prescribed by Cabinet Order.

(2) Beyond the measurement units prescribed in the preceding Article, among the quantities of the state of the physical phenomena listed in the left column of appended table 1, the measurement units of the quantities of the state of the physical phenomena listed in the left column of appended table 3 are listed in the right column of the same table and the definitions of those measurement units are prescribed by Cabinet Order.

Article 5 (1) Beyond the measurement units prescribed in Article 3 and Article 4, measurement units of their decimal-multiples and sub-multiples, and their definitions are prescribed by Cabinet Order.

(2) Beyond the measurement units prescribed in Article 3, Article 4 and the preceding paragraph, the measurement units for length measurements at sea level as well as the measurement units of length, mass, angle, area, volume, velocity, acceleration, pressure, and quantity of heat used for special measurements prescribed by Cabinet Order are prescribed by Cabinet Order.

(Measurement Units of Linear Density)

Article 6 The measurement units of the quantities of the state of the physical phenomena listed in Article 2, paragraph (1), item (ii) and their definitions are prescribed by the Order of the Ministry of Economy, Trade and Industry.

(Symbols)

Article 7 The standard symbols for the measurement units prescribed in Article 3 through the preceding Article are prescribed by Order of the Ministry of Economy, Trade and Industry.

(Prohibition on the Use of Non-Statutory Measurement Units)

Article 8 (1) Measurement units other than those prescribed in Article 3 through Article 5 (the measurement units prescribed in Article 3 through Article 5 are hereinafter referred to as "statutory measurement units" and all other measurement units are hereinafter referred to as "non-statutory measurement units") must not be used for transactions or certifications pertaining to quantities of the state of the physical phenomena listed in Article 2, paragraph (1), item (i).

(2) The measurement units prescribed in the Cabinet Order set forth in Article 5, paragraph (2) must not be used for transactions or certifications other than those pertaining to the special measurements prescribed by Cabinet Order set out in the same paragraph.

(3) The preceding two paragraphs do not apply to the following transactions or certifications:

- (i) transactions or certifications pertaining to goods to be exported;
- (ii) transactions or certifications pertaining to the importing of goods;
- (iii) transactions or certifications prescribed by Cabinet Order and conducted between persons with no address or residence in Japan and other persons prescribed by Cabinet Order, or between those persons and others.

(Measuring Instruments Graduated with Non-Statutory Measurement Units)

Article 9 (1) Measuring instruments used for the measurement of the quantity of the state of the physical phenomena listed in Article 2, paragraph (1), item (i) and graduated or marked with non-statutory measurement units must not be sold or displayed for the purpose of sale. The same applies to the measuring instruments graduated or marked with measurement units prescribed by Cabinet Order set out in Article 5, paragraph (2) other than those prescribed by Order of the Ministry of Economy, Trade and Industry as those exclusively used for special measurements prescribed by Cabinet Order set out in the same paragraph.

(2) The provisions of the preceding paragraph do not apply to measuring instruments to be exported and others prescribed by Cabinet Order.

### **Chapter III Execution of Appropriate Measurement**

#### **Section 1 Accurate Measurement**

Article 10 (1) A person involved in the measurement of the quantity of the state of physical phenomena using statutory measurement units when conducting transactions or certifications must endeavor to perform accurate measurements.

(2) If a prefectural governor, or the head of a municipality or special ward

prescribed by Cabinet Order (hereinafter referred to as a "specified municipality") finds that a person referred to in the preceding paragraph is not complying with the provisions of the same paragraph, causing a considerable impediment to appropriate measurements, the governor or head may recommend the person to take necessary measures; provided, however, that this does not apply if the governor or head may issue a recommendation pursuant to the provisions of Article 15, paragraph (1).

- (3) If a prefectural governor or the head of a specified municipality has issued a recommendation pursuant to the provisions of the preceding paragraph and the person who received the recommendation fails to follow the recommendation, the governor or head may publicly announce that fact.

## **Section 2 Measurement Pertaining to Sale of Commodities**

(Clear Indication of Length)

Article 11 A person engaged in the business of selling commodities suitable for sale on the basis of their measured length, mass, or volume must endeavor to clearly indicate their length, mass, or volume in statutory measurement units when selling them.

(Measurement of Specified Commodities)

Article 12 (1) When a person engaged in the business of selling commodities prescribed by Cabinet Order (hereinafter referred to as "specified commodities") sells the specified commodities indicating their specified physical phenomena quantity (meaning the quantity of the state of physical phenomena prescribed by Cabinet Order for each commodity; the same applies hereinafter) in statutory measurement units, the person must measure the specified physical phenomena quantity of the commodities so as not to exceed the measurement error level prescribed by Cabinet Order (hereinafter referred to as "quantity tolerance").

- (2) When a person engaged in the business of sale of specified commodities prescribed by Cabinet Order sells the specified commodities in a container, the person must indicate the quantity of the specified physical phenomena in statutory measurement units on each container pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

- (3) The preceding two paragraphs do not apply to quantities of the state of the physical phenomena indicated pursuant to paragraph(1) or (2) of the following Article, or Article 14, paragraph (1) or (2); provided, however, that this does not apply if a container or package, or a seal affixed thereto is broken.

(Indication of Quantity of Physical Phenomena Pertaining to Sealed Specified

Commodities)

- Article 13 (1) When a person engaged in the business of sale of specified commodities prescribed by Cabinet Order performs the sealing (meaning an act to make it impossible to increase or decrease the quantity of the state of the physical phenomena of a commodity without breaking the container or package for the commodity, or a seal affixed thereto; the same applies hereinafter) of the specified commodities with regard to the quantity of the specified physical phenomena, the person must measure the quantity of the specified physical phenomena of their commodities without causing a measurement error exceeding the quantity tolerance and affix an indication of the measurement on the container or package pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) When a person engaged in the business of sale of specified commodities other than those prescribed by Cabinet Order set forth in the preceding paragraph performs the sealing of the specified commodities with regard to the quantity of the physical phenomena and indicates the quantity in statutory measurement units on the container or package, the person must measure the quantity of the specified physical phenomena of the commodities without causing measurement errors exceeding the quantity tolerance, and the indication must be made pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry set forth in the same paragraph.
- (3) The indication pursuant to the provisions of the two preceding paragraphs must include the name or title as well as the address of the person who affixes the indication.

(Indication of Quantity of Specified Physical Phenomena Pertaining to Imported Specified Commodities)

- Article 14 (1) When a person engaged in the business of the import of specified commodities prescribed by Cabinet Order set forth in paragraph (1) of the preceding Article imports and sells specified commodities that have been sealed with regard to the quantity of the specified physical phenomena, the person must sell the specified commodities in a container or package bearing an indication of the quantity of the specified physical phenomena that have been measured without exceeding the quantity tolerance, pursuant to the provisions of Order of the Ministry of Economy set forth in the same paragraph.
- (2) The provisions of the preceding paragraph apply mutatis mutandis when a person engaged in the business of the import of specified commodities other than those prescribed by Cabinet Order set forth in paragraph (1) of the preceding Article imports and sells specified commodities that have been sealed regarding the quantity of the specified physical phenomena by putting them into a container or a package bearing an indication of the quantity of the

specified physical phenomena represented in statutory measurement units.

- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to an indication pursuant to the provisions of the two preceding paragraphs. In this case, the "person who affixes the indication" in paragraph (3) of the same Article is deemed to be replaced with the "person engaged in the business of import."

(Recommendations)

- Article 15 (1) When a prefectural governor or the head of a specified municipality finds that there is a risk of harm to the interests of persons who purchase specified commodities due to non-compliance with the provisions of Article 12, paragraph (1) or (2) by a person prescribed in those provisions, non-compliance with the provisions of Article 13, paragraph (1) or (2) by a person prescribed in those provisions, or non-compliance with the provisions of paragraph (1) or (2) of the preceding Article by a person prescribed in the provisions, then the governor or head may recommend the person to take certain necessary measures.
- (2) In the case where a prefectural governor or the head of a specified municipality has issued a recommendation pursuant to the provisions of the preceding paragraph and the person who received the recommendation fails to comply with the recommendation, the governor or head may publicly announce that fact.
- (3) When a person who has received a recommendation pursuant to the provisions of paragraph (1) due to non-compliance with Article 12, paragraph (1) or (2) or Article 13, paragraph (1) or (2) fails to take necessary measures pertaining to the recommendation without justifiable grounds, the prefectural governor or the head of the specified municipality may order the person to take necessary measures pertaining to the recommendation.

### **Section 3 Use of Measuring Instruments**

(Restriction on Use)

- Article 16 (1) Any of the following items (excluding ships the draft of which is used for measuring the mass of loaded goods and other measuring instruments prescribed by Cabinet Order) must not be used or possessed for use for the purpose of measurements (including measurements of the quantity of the state of physical phenomena listed in Article 2, paragraph (1), item (ii) and prescribed by Cabinet Order using measurement units prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 6; the same applies in Article 18, Article 19, paragraph (1) and Article 151, paragraph (1)) in statutory measurement units when conducting transactions or certifications:



- (i) non-measurement instruments
  - (ii) specified measuring instruments other than the following:
    - (a) specified measuring instruments bearing the verification mark set forth in Article 72, paragraph (1) certifying the passing of a verification test implemented by the Minister of Economy, Trade and Industry, or the prefectural governor, or Japan Electric Meters Inspection Corporation, or a person designated by the Minister of Economy, Trade and Industry (hereinafter referred to as a "designated verification organization").
    - (b) specified measuring instruments manufactured by a person designated by the Minister of Economy, Trade and Industry bearing the indication set forth in Article 96, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 101, paragraph (3); the same applies in the following paragraph); and
  - (iii) specified measuring instruments prescribed by Cabinet Order set forth in Article 72, paragraph (2) bearing the verification mark set forth in paragraph (1) of the same Article or the indication set forth in Article 96, paragraph (1) (hereinafter referred to as a "verification mark, etc."), the valid period of which has expired.
- (2) An electric meter (meaning a measuring instrument prescribed by Cabinet Order and used for measurements in statutory measurement units in relation to transactions or certifications of electricity; the same applies hereinafter) must not be used or possessed for use, together with a current transformer, for the purpose of measurements in statutory measurement units with regard to transactions or certifications, unless the electric meter and transformer bear a matching number set forth in Article 74, paragraph (2) or (3) (hereinafter referred to simply as a "matching number" in this paragraph) certifying the passing of an inspection by the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation, or a designated verification organization covering electric meters to be used together with current transformers (hereinafter referred to as an "inspection of electric meter fitted with a current transformer").
- (3) A specified measuring instrument fitted to vehicles or other machinery and prescribed by Cabinet Order (hereinafter referred to as a "measuring instrument for fitting to vehicles, etc.") must not be used or possessed for use for the purpose of measuring in statutory measurement units with regard to transactions or certifications, unless that specified measuring instrument bears a fitting inspection mark (limited to those the valid period of which has not expired) set forth in Article 75, paragraph (2) certifying the passing of an inspection by the Minister of Economy, Trade and Industry, the prefectural governor, or the designated verification organization by which specified measuring instruments are inspected after being fitted to machinery

(hereinafter referred to as a "fitting inspection").

(Use of Special Container)

Article 17 (1) The provisions of paragraph (1) of the preceding Article do not apply to a special container belonging to any of the types prescribed by Order of the Ministry of Economy, Trade and Industry (meaning a transparent or semi-transparent container prescribed by Order of the Ministry of Economy, Trade and Industry; the same applies hereinafter) that was manufactured by a person designated by the Minister of Economy, Trade and Industry and bears the indication set forth in Article 63, paragraph (1) (including when applied pursuant to Article 69, paragraph (1); the same applies in the following paragraph) if that special container is filled with a commodity prescribed by Cabinet Order to the height designated by Order of the Ministry of Economy, Trade and Industry to indicate its volume in statutory measurement units when sold.

(2) If a special container bearing the indication set forth in Article 63, paragraph (1) is filled with a commodity but not to the height prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph, that commodity must not be sold; provided, however, that this does not apply to when there is an explicit indication that that commodity is sold not by the volume indicated pursuant to the provisions of paragraph (2) of the same Article (including when applied mutatis mutandis pursuant to Article 69, paragraph (1)).

(Restriction on Methods of Use)

Article 18 Measuring instruments prescribed by Cabinet Order by which an accurate measurement cannot be made unless they are used in accordance with a specific method, or for measuring a specific item, or within a certain range of measurement must not be used for measurements in statutory measurement units in conducting transactions or certifications, except in the case where they are used pursuant to the provisions of Cabinet Order.

#### **Section 4 Periodic Inspection**

(Periodic Inspection)

Article 19 (1) A person who, for measurements in statutory measurement units in conducting transactions or certifications, uses a specified measuring instrument prescribed by Cabinet Order (excluding those prescribed by Cabinet Order set forth in Article 16, paragraph (1) or Article 72, paragraph (2)) which is deemed to be appropriate to be inspected on a regular basis pertaining to its performance and instrumental error in consideration of its structure,

conditions for use, status of use status, etc. must place the specified measuring instrument under a periodic inspection conducted by the prefectural governor (the head of the specified municipality if the person's place of business is located in a specified municipality) having jurisdiction over the location of the person's place of business (the person's domicile if the person has no place of business; hereinafter the same applies in this Section); provided, however, that this does not apply to the following specified measuring instruments:

- (i) a specified measuring instrument used for the purpose of certifications related to measurements (hereinafter referred to as "measurement certifications") by a person who has obtained a registration set forth in Article 107;
  - (ii) a specified measuring instrument (excluding what is listed in the preceding item) used by a person who has received a designation set forth in Article 127, paragraph (1) at the person's designated place of business ; and
  - (iii) a specified measuring instrument (except those listed in the preceding two paragraphs) affixed with a periodic inspection mark set forth in Article 24, paragraph (1), verification mark, or measurement certification inspection mark set forth in Article 119, paragraph (1) the fixed period of which, specified by Cabinet Order for each type of specified measuring instruments, has not passed, as of the date of execution of a periodic inspection publicized pursuant to the provisions of Article 21, paragraph (2) (hereinafter referred to as an "execution date"), since the first day of the following month from the year and month indicated on the mark (limited to those indicated pursuant to the provisions of Article 72, paragraph (3) or Article 96, paragraph (3), in the case of year and month indicated on a verification mark, etc.).
- (2) A person who received a designation set forth in Article 127, paragraph (1) must have a certified measurer prescribed in Article 128, paragraph (1) inspect once during the period prescribed by Cabinet Order set forth in Article 21, paragraph (1) as to whether the person's measuring instruments (excluding those listed in the preceding paragraph, item (i)) prescribed by Cabinet Order set forth in the preceding paragraph that are used in the designated place of business conform with each of the items of Article 23, paragraph (1) in accordance with procedures prescribed by Order of the Ministry of Economy, Trade and Industry set forth Article 23, paragraph (2) and (3).

(Designated Periodic Inspection Organizations)

Article 20 (1) A prefectural governor or the head of a specified municipality may designate a person (hereinafter referred to as a "designated periodic inspection organization ") to perform periodic inspections.

- (2) When a prefectural governor or the head of a specified municipality has a designated periodic inspection organization perform the service of periodic

inspections (hereinafter referred to as "inspection service" in this Chapter) in whole or in part pursuant to the provisions of the preceding paragraph, the governor or head is to refrain from executing the inspection service in whole or in part.

(Timing of Execution of Periodic Inspection)

Article 21 (1) Periodic inspections are conducted once during a period of one year or longer prescribed by Cabinet Order for each measuring instrument and each area.

(2) The prefectural governor or the head of the specified municipality is to issue a public notice concerning the area to be covered, the specified measuring instruments to be inspected, the time and place of each inspection, and, if the periodic inspections are performed by a designated periodic inspection organization, the name of the designated periodic inspection organization not later than one month prior to each periodic inspection.

(3) If a person is unable to receive a periodic inspection on a designated execution date due to illness, travel or other unavoidable reasons, and has notified the prefectural governor or the head of the specified municipality thereof in advance, the periodic inspection of the specified measuring instruments pertaining to the notification is conducted within a period not exceeding one month from the day of the notification on a date and at a place designated by the governor or head.

(Preliminary Survey)

Article 22 When the prefectural governor has issued a public notification concerning the implementation of a periodic inspection pursuant to the provisions of paragraph (2) of the preceding Article, the head of each municipality in the area to be covered by the periodic inspection must survey the number of specified measuring instruments subject to the periodic inspection and report the number to the prefectural governor pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Criteria for Passing a Periodic Inspection)

Article 23 (1) A specified measuring instrument passes a periodic inspection if it conforms to each of the following items:

- (i) the specified measuring instrument is affixed with a verification mark, etc.;
- (ii) the performance of the specified measuring instrument conforms to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; and
- (iii) the instrumental error of the specified measuring instrument does not exceed the tolerance for use prescribed by Order of the Ministry of Economy,

Trade and Industry.

- (2) The conformity to item (ii) of the preceding paragraph is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry.
- (3) The conformity to paragraph (1), item (iii) is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry and by using a measuring instrument which has passed an inspection of legal standard reference instruments set forth in Article 102, paragraph (1) (the instrumental error of measuring instruments prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (3) is to be determined using reference material prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the same paragraph).

(Periodic Inspection Mark)

- Article 24 (1) Each specified measuring instrument which has passed a periodic inspection is affixed with a periodic inspection mark pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) A periodic inspection mark set forth in the preceding paragraph is to indicate the year and month of the periodic inspection.
  - (3) A verification mark, etc. affixed to a specified measuring instrument which has failed a periodic inspection is removed.

(Inspection by Certified Measurer in Lieu of Periodic Inspection)

- Article 25 (1) When a specified measuring instrument that is required to undergo a periodic inspection pursuant to the provisions of Article 19, paragraph (1) has been inspected by a certified measurer prescribed by Order of the Ministry of Economy, Trade and Industry for that type of specified measuring instrument using a method prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 23, paragraphs (2) and (3), within the period prescribed by Cabinet Order set forth in Article 19, paragraph (1), item (iii) prior to the day of the periodic inspection and bears an indication affixed by the certified measurer pursuant to the provisions of paragraph (3), if a person using the specified measuring instrument notifies, prior to the day of the periodic inspection, the prefectural governor or the head of the specified municipality having jurisdiction over the location of the person's place of business of that fact, the specified measuring instrument is not required to undergo a periodic inspection, notwithstanding the provisions of Article 19.
- (2) The notification pursuant to the provisions of the preceding paragraph must be made together with a certification issued pursuant to the provisions of the following paragraph pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

- (3) When a certified measurer has certified, through an inspection set forth in paragraph (1), that a specified measuring instrument conforms to each item of Article 23, paragraph (1), the measurer may issue, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, a certificate stating the certification to a person using the specified measuring instrument and affix an indication and the year and the month of the inspection on the specified measuring instrument by a method prescribed by Order of the Ministry of Economy, Trade and Industry.

## **Section 5 Designated Periodic Inspection Organization**

### **(Designation)**

Article 26 A designation set forth in Article 20, paragraph (1) is made upon an application from a person who intends to perform inspection services pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

### **(Disqualification)**

Article 27 A person who falls under any of the following items may not receive a designation set forth in Article 20, paragraph (1):

- (i) the person has been sentenced to a fine or severer punishment for violating this Act or any order based on this Act, and two years have not passed from the date on which the enforcement of the punishment was completed or became no longer applicable;
- (ii) the person's designation has been rescinded pursuant to the provisions of Article 38, and two years have not passed from the day of the rescission; or
- (iii) the person is a corporation with an operating officer who falls under either of the preceding two paragraphs.

### **(Criteria for Designation)**

Article 28 A prefectural governor or the head of a specified municipality must not make a designation unless the governor or head finds that the application for designation set forth in Article 20, paragraph (1) conforms to each of the following items:

- (i) a periodic inspection is performed by using appliances, machines or equipment prescribed by Order of the Ministry of Economy, Trade and Industry;
- (ii) a periodic inspection is performed by persons with the knowledge and experience required by Order of the Ministry of Economy, Trade and Industry, and the number of the persons is not less than the number prescribed by Order of the Ministry of Economy, Trade and Industry;
- (iii) in the case of a corporation, the organization of its officers or members

- prescribed by Order of the Ministry of Economy, Trade and Industry for the type of the corporation is not likely to adversely impede the fair implementation of periodic inspections;
- (iv) beyond what is provided for in the preceding paragraph, the corporation conforms to other criteria prescribed by Order of the Ministry of Economy, Trade and Industry as being a corporation that is unlikely to cause any unfair periodic inspection;
  - (v) the applicant has a financial basis necessary for an appropriate and smooth inspection service; and
  - (vi) the granting of a designation herein does not result in an impediment to the appropriate and smooth implementation of a periodic inspection pertaining to the application for the designation.

#### (Renewal of Designation)

- Article 28-2 (1) A designation set forth in Article 20, paragraph (1) ceases to be effective upon the expiration of a period of not less than three years prescribed by Cabinet Order unless it is renewed, upon the end of the period, for another the period.
- (2) The preceding three Articles apply mutatis mutandis when a designation is renewed in accordance with the preceding paragraph.

#### (Method of Periodic Inspection)

- Article 29 When implementing a periodic inspection, a designated periodic inspection organization must use appliances, machines or equipment prescribed in Article 28, item (i) and have a person prescribed by item (ii) of the same Article perform the periodic inspection.

#### (Service Rules)

- Article 30 (1) A designated periodic inspection organization must establish rules concerning inspection services (hereinafter referred to as "service rules") and obtain approval therefor from the prefectural governor or the head of the specified municipality. The same applies when the inspection organization intends to amend the service rules.
- (2) The matters to be provided for in service rules are prescribed by Order of the Ministry of Economy, Trade and Industry.
- (3) If a prefectural governor or the head of a specified municipality finds that service rules approved under paragraph (1) have become inappropriate for the fair implementation of periodic inspections, the governor or head may order the alteration of the service rules.

#### (Bookkeeping)

Article 31 A designated periodic inspection organization must prepare books, enter in the books the matters concerning periodic inspections prescribed by Order of the Ministry of Economy, Trade and Industry, and keep the books, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Suspension and Abolishment of Services)

Article 32 When a designated periodic inspection organization intends to suspend or abolish its inspection services in whole or in part, it must notify the prefectural governor or the head of the specified municipality thereof in advance, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Business Plan)

Article 33 (1) Prior to the commencement of each business year, a designated periodic inspection organization must prepare and submit to the prefectural governor or the head of the specified municipality a business plan, and a revenue and expenditure budget for the business year. The same applies when a designated periodic inspection organization intends to amend them.  
(2) Within three months from the end of each business year, a designated periodic inspection organization must prepare and submit to the prefectural governor or the head of the specified municipality a business report and financial statements for the business year.

Article 34 Deleted

(Dismissal Order)

Article 35 If a person prescribed in Article 28, item (ii) violates any provisions of this Act, of any order based on this Act or of service rules, the prefectural governor or the head of the specified municipality may order the designated periodic inspection organization to dismiss the person prescribed in the same item.

(Status of Officers and Employees)

Article 36 With regard to the application of the Criminal Code (Act No. 45 of 1907) and any other penal provisions, officers and employees of a designated periodic inspection organization engaged in inspection services are deemed to be employees engaged in public services as required by laws and regulations.

(Order for Compliance)

Article 37 If a prefectural governor or the head of a specified municipality finds



that a designated periodic inspection organization has become noncompliant with Article 28, items (i) through (v), the governor or head may order the designated periodic inspection organization to take necessary measures for compliance with those items.

(Rescission of Designation)

Article 38 If a designated periodic inspection organization falls under any of the following items, the prefectural governor or the head of the specified municipality may rescind its designation, or order the suspension of inspection services in whole or in part for a specified period:

- (i) the designated periodic inspection organization has violated the provisions of this Section;
- (ii) the designated periodic inspection organization has fallen under Article 27, item (i) or (iii);
- (iii) the designated periodic inspection organization has conducted a periodic inspection not pursuant to its service rules to which approval set forth in Article 30, paragraph (1) has been granted;
- (iv) the designated periodic inspection organization has violated an order issued pursuant to the provisions of Article 30, paragraph (3), Article 35, or the preceding Article; or
- (v) the designated periodic inspection organization has obtained a designation set forth in Article 20, paragraph (1) by wrongful means.

(Implementation of Inspection Services by Prefectural Governor)

Article 39 (1) When the prefectural governor or the head of the specified municipality is notified by a designated periodic inspection organization of its suspension of its inspection services in whole or in part pursuant to the provisions of Article 32, the governor or head orders a designated periodic inspection organization to suspend its inspection services in whole or in part, pursuant to the provisions of the preceding paragraph, or it becomes difficult for a designated periodic inspection organization to perform its inspection services in whole or in part due to a natural disaster or other reasons, and the governor or head finds it necessary, the governor or head is to personally implement the inspection services in whole or in part.

(2) When a prefectural governor or the head of a specified municipality personally implements inspection services in whole or in part pursuant to the provisions of the preceding paragraph, is notified by a designated periodic inspection organization of the abolishment of its inspection services in whole or in part pursuant to the provisions of Article 32, or rescinds the designation of a designated periodic inspection organization pursuant to the provisions of the preceding Article, handover procedures concerning inspection services and

other necessary matters are prescribed by Order of the Ministry of Economy, Trade and Industry.

## **Chapter IV Supply of Accurate Specified Measuring Instruments**

### **Section 1 Manufacture**

(Notification of Business)

- Article 40 (1) A person who intends to engage in the business of manufacturing specified measuring instruments (excluding those who engage in the business of manufacturing specified measuring instruments for their own use exclusively for purposes other than measurements in transactions and certifications) must notify the Minister of Economy, Trade and Industry of the following matters in advance, in accordance with the relevant business classification prescribed by Order of the Ministry of Economy, Trade and Industry (simply referred to as "business classification" in item (ii)):
- (i) the person's name and address, and in the case of a corporation, the name of its representative;
  - (ii) the business classification;
  - (iii) the name and location of the factory or workplace where the specified measuring instruments are to be manufactured; and
  - (iv) the name, performance, and number of appliances, machines and equipment prescribed by Order of the Ministry of Economy, Trade and Industry that are used to inspect the specified measuring instruments.
- (2) A notification pursuant to the provisions of the preceding paragraph pertaining to specified measuring instruments other than electric meters must be made through a prefectural governor pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Succession)

- Article 41 When a person who has made a notification pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as a "notifying manufacturing business operator") transfers the entire business to which the notification pertains or when succession, merger or split (limited to successions of the entire business to which the notification pertains) has occurred with respect to a notifying manufacturing business operator, the person or heir (if there are two or more heirs, the heir who is selected by all heirs to succeed to the business; the same applies hereinafter) succeeding to the entire business, the corporation surviving after the merger, the corporation newly established through the merger, or the corporation succeeding to the entire business through the split, succeeds to the status of the notifying manufacturing business operator.

(Notification of Change)

- Article 42 (1) A notifying manufacturing business operator must notify the Minister of Economy, Trade and Industry of any change in the matters set forth in Article 40, paragraph (1), item (i), (iii) or (iv) without delay.
- (2) In the case of the preceding paragraph, a person who has succeeded to the status of a notifying manufacturing business operator pursuant to the provisions of the preceding Article must submit a document certifying that fact.
- (3) The provisions of Article 40, paragraph (2) applies mutatis mutandis to notification pursuant to the provisions of paragraph (1) of this Article.

(Duty to Inspect)

- Article 43 When a notifying manufacturing business operator has manufactured specified measuring instruments, it must inspect them in accordance with criteria prescribed by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply if a person who has received a designation set forth in Article 16, paragraph (1), item (ii) (b) implements an inspection pursuant to the provisions of Article 95, paragraph (2).

(Order for Improvement)

- Article 44 If the Minister of Economy, Trade and Industry finds that a notifying manufacturing business operator is not performing the inspection of specified measuring instruments in accordance with the criteria prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the preceding Article and that it is necessary for ensuring the appropriate quality of the specified measuring instruments, the Minister may order the notifying manufacturing business operator to take necessary measures to improve inspection appliances, machines or equipment, or inspection methods for the specified measuring instruments; provided, however, that this does not apply to the case set forth in the proviso to the preceding Article.

(Notification of Abolishment)

- Article 45 (1) When a notifying manufacturing business operator abolishes the business pertaining to the notification, it must notify the Minister of Economy, Trade and Industry of that fact without delay.
- (2) The provisions of Article 40, paragraph (2) apply mutatis mutandis to notification pursuant to the provisions of the preceding paragraph.

## **Section 2 Repair**

(Notification of Business)

Article 46 (1) A person (excluding those who intend to engage in the business of repairing specified measuring instruments for their own use exclusively for purposes other than measurements in transactions and certifications) who intends to engage in the business of repairing specified measuring instruments (excluding minor repair work prescribed by Order of the Ministry of Economy, Trade and Industry; the same applies hereinafter except in Article 49, paragraph (3)) must provide notification in advance of the following items, in accordance with the relevant business classification specified by Order of the Ministry of Economy, Trade and Industry (simply referred to as "business classification" in item (ii)), the Minister of Economy, Trade and Industry in the case of business pertaining to the repairing of electric meters, or the prefectural governor having jurisdiction over the location of the person's place of business in which the person intends to repair specified measuring instruments in the case of business pertaining to repairing other specified measuring instruments; provided, however, that this does not apply if the notifying manufacturing business operator intends to engage in the business of repairing specified measuring instruments pertaining to the notification pursuant to the provisions of Article 40, paragraph (1):

- (i) the person's name and address, and in the case of a corporation, the name of its representative;
  - (ii) the business classification;
  - (iii) the name and location of the place of business in which the repairing of specified measuring instruments is to be conducted; and
  - (iv) the name, performance, and number of appliances, machines and equipment prescribed by Order of the Ministry of Economy, Trade and Industry that are used to inspect the specified measuring instruments.
- (2) The provisions of Article 41, Article 42, paragraphs (1) and (2), and paragraph (1) of the preceding Article apply mutatis mutandis to a person who has made notification pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "notifying repair business operator"). In this case, the term "the Minister of Economy, Trade and Industry" in Article 42, paragraph (1), and paragraph (1) of the preceding Article are deemed to be replaced with "the prefectural governor (the Minister of Economy, Trade and Industry, in the case of a notifying repair business operator engaged in the repairing of electric meters)."

(Duty to Inspect)

Article 47 When a notifying manufacturing business operator or a notifying repair business operator repairs specified measuring instruments, the business operator must inspect them in accordance with the criteria prescribed by Order of the Ministry of Economy, Trade and Industry.

(Order for Improvement)

Article 48 If the Minister of Economy, Trade and Industry or a prefectural governor finds that a notifying manufacturing business operator or a notifying repair business operator is not performing the inspection of specified measuring instruments in accordance with the criteria prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the preceding Article and that it is necessary for ensuring the appropriate quality of the specified measuring instruments, the Minister or governor may order the notifying manufacturing business operator or the notifying repair business operator to take necessary measures to improve inspection appliances, machines or equipment, or inspection methods for the specified measuring instruments.

(Removal of Verification Mark)

Article 49 (1) A person who has performed an alteration (limited to the kind of alterations prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 2, paragraph (5); the same applies in the next paragraph) or repair of a specified measuring instrument affixed with a verification mark, etc., matching number set forth in Article 74, paragraph (2) or (3), or fitting inspection mark set forth in Article 75, paragraph (2) must remove the verification mark, etc., matching number, or fitting inspection mark; provided, however, that this does not apply if a notifying manufacturing business operator or notifying repair business operator has performed the repair prescribed by Order of the Ministry of Economy, Trade and Industry of the specified measuring instrument, or when a person who has obtained a designation set forth in Article 127, paragraph (1) has performed the repair prescribed by Order of the Ministry of Economy, Trade and Industry of a specified measuring instrument used at the person's designated place of business, and the performance of the repaired specified measuring instrument conforms to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry and the instrumental error of the repaired specified measuring instrument does not exceed the tolerance for use prescribed by Order of the Ministry of Economy, Trade and Industry.

(2) A person who has altered or repaired a specified measuring instrument affixed with an indication set forth in Article 84, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 84, paragraph (4)) must remove the indication; provided, however, that this does not apply if a notifying manufacturing business operator or notifying repair business operator has performed the repair specified by Order of the Ministry of Economy, Trade and Industry of the specified measuring instrument, or a person who has obtained a designation set forth in Article 127, paragraph (1) has performed the repair

prescribed by the Order of the Ministry of Economy, Trade and Industry of a specified measuring instrument used at the person's designated place of business.

- (3) When a person engaged in the business of manufacturing or repairing current transformers has performed an alteration or repair (excluding minor repair work prescribed by Order of the Ministry of Economy, Trade and Industry) of a transformer affixed with a matching number set forth in Article 74, paragraph (2), the person must remove the matching number.

#### (Repair with a Period of Validity Pertaining to Specified Measuring Instruments)

Article 50 (1) When a notifying manufacturing business operator or a notifying repair business operator has performed repairs, in accordance with the criteria specified by Order of the Ministry of Economy, Trade and Industry, a specified measuring instrument prescribed by Cabinet Order set forth in Article 72, paragraph (2) and prescribed by Cabinet Order as one requiring periodic repair at a certain intervals of time, the notifying manufacturing business operator or the notifying repair business operator may affix an indication of the repair to the specified measuring instrument, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

- (2) The indication set forth in the preceding paragraph is to include the year of the repair.
- (3) No person may affix to a specified measuring instrument an indication set forth in paragraph (1) or an indication that is confusingly similar thereto, except in the case prescribed in the same paragraph.

### **Section 3 Sale**

#### (Notification of Business)

Article 51 (1) A person who intends to engage in the business of sale (excluding sales for export) of specified measuring instruments prescribed by Cabinet Order must notify in advance the prefectural governor having jurisdiction over the location of the person's place of business in which the person intends to sell the instruments of the following matters, in accordance with the business classification prescribed by Order of the Ministry of Economy, Trade and Industry (simply referred to as "business classification" in item (ii)); provided, however, that this does not apply if a notifying manufacturing business operator or a notifying repair business operator intends to engage in the business of sale of specified measuring instruments pertaining to the notification pursuant to the provisions of Article 40, paragraph (1) or Article 46, paragraph (1) which were manufactured or repaired by the person:

- (i) the person's name and address, and in the case of a corporation, name of its representative;
  - (ii) the business classification; and
  - (iii) the name and location of the place of business in which the specified measuring instruments are to be sold.
- (2) The provisions of Article 41, Article 42, paragraphs (1) and (2), and Article 45, paragraph (1) apply mutatis mutandis to a person who has made notification pursuant to the provisions of the preceding paragraph. In this case, the term "the Minister of Economy, Trade and Industry" in Article 42, paragraph (1) and Article 45, paragraph (1) is deemed to be replaced with "the prefectural governor".

(Matters to Be Observed)

- Article 52 (1) The Minister of Economy, Trade and Industry may provide by Order of the Ministry of Economy, Trade and Industry for matters to be observed by a person engaged in the business of sale of specified measuring instruments prescribed by Cabinet Order set forth in paragraph (1) of the preceding Article (hereinafter referred to as a "sales business operator").
- (2) If a prefectural governor finds that a sales business operator is not complying with the matters to be observed prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the preceding Article, causing an impediment to the ensuring of appropriate measurements pertaining to the specified measuring instruments, the governor may recommend the sales business operator to comply with those matters.
- (3) If the prefectural governor issues a recommendation pursuant to the provisions of the preceding paragraph and the person who receives the recommendation fails to follow it, the governor may publicly announce that fact.
- (4) If a sales business operator receives a recommendation pursuant to the provisions of paragraph (2) due to non-compliance with the matters prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (1) and fails to take necessary measures pertaining to the recommendation without justifiable grounds, and the prefectural governor finds it particularly necessary, the governor may order the sales business operator to take the necessary measures pertaining to the recommendation.

## **Section 4 Special Measuring Instruments**

(Obligation of Conformity to Manufacturing Standards)

- Article 53 (1) A notifying manufacturing business operator producing specified measuring instruments specified by Cabinet Order that are primarily supplied for daily use by general consumers (excluding specified measuring instruments

prescribed by Cabinet Order set forth in Article 57, paragraph (1)) must manufacture the specified measuring instruments so as to conform to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; provided, however, that this does not apply if the notifying manufacturing business operator manufactures the specified measuring instruments for the purpose of export and notifies the prefectural governor of that fact in advance, and when the notifying manufacturing business operator manufactures the specified measuring instruments on a pilot production basis.

- (2) A person engaged in the business of importing specified measuring instruments prescribed by Cabinet Order set forth in the preceding paragraph must sell specified measuring instruments that conform to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the same paragraph; provided, however, this does not apply to when the person sells specified measuring instruments for the purpose of export and has notified the prefectural governor of that fact in advance.

(Indication)

Article 54 (1) A notifying manufacturing business operator prescribed in paragraph (1) of the preceding Article or a person prescribed in paragraph (2) of the same Article must, affix an indication thereto pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, before the specified measuring instruments are sold.

- (2) The provisions of the preceding paragraph does not apply to specified measuring instruments manufactured or sold pursuant to the provisions of the proviso to paragraph (1) or the proviso to paragraph (2) of the preceding Article, or to specified measuring instruments affixed with a verification mark, etc.
- (3) No person may affix to the specified measuring instruments an indication set forth in paragraph (1) or an indication that is confusingly similar thereto, except in the case prescribed in the same paragraph.

Article 55 A person engaged in the business of sale of specified measuring instruments prescribed by Cabinet Order set forth in Article 53, paragraph (1) (excluding the business of sale of specified measuring instruments manufactured by notifying manufacturing business operators prescribed in the same paragraph or of specified measuring instruments imported by persons prescribed in paragraph (2) of the same Article) must not sell or display for sale measuring instruments without an indication under paragraph (1) of the preceding Article or a verification mark, etc.; provided, however, that this does not apply if a person who intends to sell specified measuring instruments for the purpose of export notifies the prefectural governor of that fact in advance.



(Order for Improvement)

Article 56 If the Minister of Economy, Trade and Industry finds that a notifying manufacturing business operator prescribed in Article 53, paragraph (1) or a person prescribed in paragraph (2) of the same Article is violating the provisions of paragraph (1) or (2) of the same Article, the Minister may order the violating party to take necessary measures in order for specified measuring instruments manufactured or sold by the violating party to conform to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (1) of the same Article.

(Restriction on Transfer)

Article 57 (1) A person engaged in the business of manufacture, repair or import of clinical thermometers and other specified measuring instruments prescribed by Cabinet Order must not transfer or lend the specified measuring instruments to anyone, or deliver them to a person to whom the repair thereof is entrusted, unless the specified measuring instruments are affixed with a verification mark, etc. (limited to specified measuring instruments the valid period of which has not expired, in the case of specified measuring instruments prescribed by Cabinet Order set forth in Article 72, paragraph (2); the same applies in the next paragraph); provided, however, that this does not apply if the specified measuring instruments are transferred, lent, or delivered for the purpose of export, and the prefectural governor is notified of that fact in advance.

(2) A person engaged in the business of sale of specified measuring instruments prescribed by Cabinet Order set forth in the preceding paragraph (excluding those prescribed in the same paragraph) must not transfer, lend, or possess for the purpose of transferring or lending the specified measuring instruments unless they are affixed with a verification mark, etc.; provided, however, that this does not apply if the specified measuring instruments are transferred or lent for the purpose of export, and the prefectural governor is notified of that fact in advance.

## **Section 5 Business of Manufacturing Special Containers**

(Designation)

Article 58 A designation set forth in Article 17, paragraph (1) is granted to each factory or workplace of a person engaged in the business of manufacturing special containers (hereinafter referred to as a "manufacturer" in this Section) or of a person who is based abroad and engaged in the business of manufacturing special containers to be exported to Japan (hereinafter referred to as a "foreign manufacturer" in this Section) upon application by the person.

(Application for Designation)

Article 59 A manufacturer who intends to receive a designation set forth in Article 17, paragraph (1) must submit an application stating the following matters to the Minister of Economy, Trade and Industry:

- (i) the manufacturer's name and address, and in the case of a corporation, the name of its representative;
- (ii) the name and location of the factory or workplace;
- (iii) matters pertaining to manufacturing and inspection methods for special containers (limited to those prescribed by Order of the Ministry of Economy, Trade and Industry); and
- (iv) the symbol indicating that special containers have been manufactured by the manufacturer.

(Criteria for Designation)

Article 60 (1) If a person's designation has been rescinded pursuant to the provisions of Article 67 and one year has not passed from the date of the rescission, the person is not eligible to receive a designation set forth in Article 17, paragraph (1).

(2) The Minister of Economy, Trade and Industry must not grant a designation unless the Minister finds that the application for designation set forth in Article 17, paragraph (1) conforms to each of the following items:

- (i) the manufacturing method for special containers conforms to the standards prescribed by Order of the Ministry of Economy, Trade and Industry; and
- (ii) the inspection method for special containers conforms to the standards prescribed by Order of the Ministry of Economy, Trade and Industry.

(Succession)

Article 61 When a manufacturer who has received a designation set forth in Article 17, paragraph (1) (hereinafter referred to as a "designated manufacturer") transfers the manufacturer's business in whole pertaining to the designation, or when an inheritance, merger or split (limited to those by which the business pertaining to the designation is succeeded to in whole) involving a designated manufacturer occurs, the transferee of the designated manufacturer's business in whole, the heir, the corporation surviving after the merger, the corporation newly established after the merger, or the corporation which succeeds to the notifying manufacturer's business in whole after the split succeeds to the status of the notifying manufacturer; provided, however, that this does not apply if the transferee of the designated manufacturer's business in whole, the heir, the corporation surviving after merger, the corporation newly established after merger, or the corporation which succeeds

to the notifying manufacturer's business in whole after the split falls under paragraph (1) of the preceding Article.

(Notification of Change)

Article 62 (1) A designated manufacturer must notify the Minister of Economy, Trade and Industry of any change in the matters set forth in each item of Article 59 without delay.

(2) In the case of the preceding paragraph, a person who succeeds to the status of the designated manufacturer pursuant to the provisions of the preceding Article must submit a document certifying that fact.

(Indication)

Article 63 (1) A designated manufacturer may affix an indication to special containers manufactured at its designated factory or workplace, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, if those special containers conform to each of the following items:

- (i) the special containers are of a type prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 17, paragraph (1); and
- (ii) the instrumental error of the special containers does not exceed the quantity tolerance prescribed by Order of the Ministry of Economy, Trade and Industry.

(2) When a designated manufacturer affixes the indication set forth in the preceding paragraph, it must, indicate on the special container the symbol which is described on the application pursuant to the provisions of Article 59, item (iv) and the volume of the type of the special container prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 17, paragraph (1), by a method prescribed by Order of the Ministry of Economy, Trade and Industry.

(3) No person may affix to a special container an indication set forth in paragraph (1) or an indication that is confusingly similar thereto, except in the case prescribed in the same paragraph (including when applied *mutatis mutandis* pursuant to Article 69, paragraph (1)).

(Order for Compliance)

Article 64 If the Minister of Economy, Trade and Industry finds that a designated manufacturer has become noncompliant with the provisions of each item of Article 60, paragraph (2), the Minister may order the designated manufacturer to take necessary measures for compliance with those provisions.

(Notification of Abolishment)

Article 65 When a designated manufacturer has abolished the designated

business, the designated manufacturer must notify the Minister of Economy, Trade and Industry of that fact without delay.

(Lapse of Designation)

Article 66 If a designated manufacturer abolishes its designated business, the designation ceases to be effective.

(Rescission of Designation)

Article 67 If a designated manufacturer falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its designation:

- (i) the designated manufacturer has violated the provisions of Article 62, paragraph (1) or Article 63, paragraph (2) or (3);
- (ii) the designated manufacturer has violated an order issued pursuant to the provisions of Article 64; and
- (iii) the designated manufacturer has obtained a designation set forth in Article 17, paragraph (1) by wrongful means.

(Removal of Indication)

Article 68 When a person engaged in the business of the import of special containers (including when the special containers are imported with goods inside; hereinafter the same applies in this Article) (hereinafter referred to as a "special container importer") imports special containers affixed with an indication set forth in Article 63, paragraph (1) or an indication that is confusingly similar thereto, the person must remove the indication prior to the time of transfer or lending thereof, except if the indication has been so affixed pursuant to the provisions of Article 63, paragraph (1) (including when applied mutatis mutandis pursuant to paragraph (1) of the next Article).

(Designation Pertaining to Foreign Manufacturer)

Article 69 (1) The provisions of Article 59 and Article 60 apply mutatis mutandis to a designation set forth in Article 17, paragraph (1) pertaining to foreign manufacturers, and the provisions of Articles 61 through 67 apply mutatis mutandis to foreign manufacturers who have obtained a designation set forth in the same paragraph (hereinafter referred to as a "designated foreign manufacturer"). In this case, the term "Article 67" in Article 60, paragraph (1) is deemed to be replaced with "Article 67 or Article 69, paragraph (2)", as applied mutatis mutandis pursuant to Article 69 paragraph (1)", the terms "no person" and "special container" in Article 63, paragraph (3) are deemed to be replaced with "no designated foreign manufacturer" and "special container to be exported to Japan", respectively, the term "order" in Article 64 is deemed to be replaced with "request", and the term "has violated an order" in Article 67,

- item (ii) is deemed to be replaced with "has not responded to a request".
- (2) Beyond the case pursuant to the provisions of Article 67 as applied mutatis mutandis pursuant to the preceding paragraph, the Minister of Economy, Trade and Industry may rescind a designation of a designated foreign manufacturer if the designated foreign manufacturer falls under any of the following items:
- (i) the Minister of Economy, Trade and Industry has requested, to the extent necessary for the enforcement of this Act, a report from the designated foreign manufacturer, pursuant to the provisions of Cabinet Order, and the designated foreign manufacturer has failed to submit a report or submitted a false report;
  - (ii) the Minister of Economy, Trade and Industry has tried, to the extent necessary for the enforcement of this Act, to cause its officials to inspect special containers, facilities for manufacturing or inspecting special containers, books, documents and other materials, or to ask relevant persons questions at the designated foreign manufacturer's factory, workplace, business office, administrative office, or warehouse, and the inspection has been refused, obstructed, or evaded, or no answer or a false answer has been given in response to the questions; or
  - (iii) the designated foreign manufacturer fails to bear the expenses pursuant to the provisions of the following paragraph.
- (3) The expenses necessary for the inspection pursuant to the provisions of item (ii) of the preceding paragraph (limited to those prescribed by Cabinet Order) are borne by the designated foreign manufacture to be inspected.

## **Chapter V Verification.**

### **Section 1 Verification, Inspection of Electric Meter Fitted with a Current Transformer, and Fitting Inspection**

(Application for Verification)

Article 70 A person who intends to receive a verification test set forth in Article 16, paragraph (1), item (ii), (b) (hereinafter referred to simply as a "verification test") with respect to a specified measuring instrument must submit an application to the Minister of Economy, Trade and Industry, the prefectural governor, Japan Electric Meters Inspection Corporation, or a designated verification organization in accordance with the classification prescribed by Cabinet Order.

(Criteria for Passing)

Article 71 (1) A specified measuring instrument is deemed to have passed the verification test if it conforms to each of the following items:

- (i) the structure (including performance and material properties; the same applies hereinafter) conforms to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; and
  - (ii) the instrumental error does not exceed the verification tolerance prescribed by Order the Ministry of Economy, Trade and Industry.
- (2) The conformity to item (i) of the preceding paragraph is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry; provided however, that the specified measuring instruments affixed with an indication set forth in Article 84, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 89, paragraph (4); hereinafter the same applies in this paragraph) (with regard to specified measuring instruments prescribed by Cabinet Order set forth in Article 50, paragraph (1) for which a period prescribed by Order of the Ministry of Economy, Trade and Industry for each specified measuring instrument has passed from the time the indication set forth in Article 84, paragraph (1) was affixed thereto, limited to those with an indication set forth in Article 50, paragraph (1) for which a period prescribed by Order of the Ministry of Economy, Trade and Industry has not passed from the time the indication set forth in the same paragraph was affixed thereto) are deemed, at the time of a verification test, to be conforming to technical standards (excluding those regarding performance prescribed by Order of the Ministry of Economy, Trade and Industry as those that are required to be separately provided for as to the conformity thereto on an individual basis) prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the same paragraph.
- (3) The conformity to paragraph (1), item (ii) is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry and by using a measuring instrument that has passed an inspection of legal standard reference instruments set forth in Article 102, paragraph (1) (with regard to the instrumental error of specified measuring instruments prescribed by Order of the Ministry of Economy, Trade and Industry, by using reference material prescribed by Order of the Ministry of Economy, Trade and Industry).

(Verification Mark)

- Article 72 (1) A specified measuring instrument which has passed a verification test is affixed with a verification mark pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) The valid period of a verification mark affixed on a specified measuring instrument prescribed by Cabinet Order for which it is deemed to be appropriate to set a valid period of verification in light of the structure, conditions for use, status of use, etc. is to be the valid period prescribed by Cabinet Order, and the year and the month of expiration are to be indicated on

the verification mark.

- (3) A verification mark affixed to the measuring instruments prescribed by Cabinet Order set forth in Article 19, paragraph (1) or Article 106, paragraph (1) is to indicate the year and the month in which the verification test was conducted.
- (4) If a measuring instrument that has failed to pass a verification test bears a verification mark, etc., that verification mark, etc., is removed.
- (5) If an electric meter for which a verification test has been conducted bears a matching number set forth in Article 74, paragraph (2) or (3), the matching number is removed.

(Application for Inspection of Electric Meter Fitted with a Current Transformer)

- Article 73 (1) A person who intends to receive an inspection of electric meter fitted with a current transformer with regard to an electric meter must submit an application to the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated verification organization in accordance with the classification prescribed by Cabinet Order.
- (2) An application pursuant to the provisions of the preceding paragraph must be submitted together with a current transformer to be used with the electric meter; provided, however, that this does not apply if an inspection for an electric meter fitted with a current transformer is conducted with regard to an electric meter to be used together with a current transformer bearing a matching number set forth in paragraph (2) of the following Article for which a period prescribed by Order of the Ministry of Economy, Trade and Industry has not elapsed from the date indicated thereon and the applicant has submitted a document stating the matters concerning the current transformer prescribed by Order of the Ministry of Economy, Trade and Industry.

(Criteria for Passing and Matching Number)

- Article 74 (1) The Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated verification organization conducts the inspections of an electric meter fitted with a current transformer by a method prescribed by Order of the Ministry of Economy, Trade and Industry, and pass the electric meter and the current transformer used therewith if they conform to each of the following items (or item (ii) only, in the case of a current transformer that is not attached pursuant to the provisions of the proviso to paragraph (2) of the preceding Article):
- (i) the structure and the error of the transformer conform to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; and

- (ii) the error of the electric meter when used with the transformer does not exceed the maximum permissible error prescribed by Order of the Ministry of Economy, Trade and Industry.
- (2) Except in the case prescribed by the proviso to paragraph (2) of the preceding Article, an electric meter which has passed an inspection of the electric meter fitted with a current transformer and the current transformer used therewith are affixed with a matching number pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry. In this case, the matching number to be attached to the transformer is to indicate the date on which the inspection of the electric meter fitted with the transformer was conducted.
- (3) In the case prescribed in the proviso to paragraph (2) of the preceding Article, an electric meter which has passed an inspection of electric meter fixed with a current transformer is affixed with the same matching number as the one affixed to the transformer to be used therewith pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (4) If an electric meter that fails an inspection of electric meter fitted with a current transformer or a transformer used therewith bears a matching number set forth in the preceding two paragraphs, the matching number is removed.

(Fitting Inspection)

- Article 75 (1) A person who intends to receive a fitting inspection with regard to a measuring instrument for fittings for vehicles, etc. must submit an application to the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation or a designated verification organization in accordance with the classification prescribed by Cabinet Order.
- (2) The Minister of Economy, Trade and Industry, the prefectural governor or the designated verification organization conduct fitting inspections by a method specified by Order of the Ministry of Economy, Trade and Industry, pass the fittings for vehicles, etc. if they conform to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry, and affix a fitting inspection mark there pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
  - (3) The valid period of a fitting inspection mark is to be the period prescribed by Cabinet Order for each measuring instrument for fittings for vehicles, etc., and each fitting inspection mark is to indicate the year and the month of its expiration.
  - (4) If a measuring instrument for fittings for vehicles, etc. that fails the fitting inspection bears a fitting inspection mark, the fitting inspection mark is removed.

**Section 2 Type Approval**



(Type Approval Pertaining to Manufacturing Business Operator)

Article 76 (1) A notifying manufacturing business operator may obtain approval for the type of specified measuring instruments from the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation in accordance with the classification prescribed by Cabinet Order.

(2) A person who intends to obtain the approval set forth in the preceding paragraph must submit an application stating the following matters to the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation:

- (i) the person's name and address, and in the case of a corporation, the name of its representative;
- (ii) the business classification prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 40, paragraph (1);
- (iii) the name and location of the factory or workplace where the specified measuring instruments are manufactured; and
- (iv) the date of notification pursuant to the provisions of Article 40, paragraph (1).

(3) A specified measuring instrument for testing, construction drawings and other relevant documents must be attached to an application set forth in the preceding paragraph, pursuant to provisions of Order of the Ministry of Economy, Trade and Industry,; provided, however, that this does not apply if the applicant who intends to obtain approval set forth in paragraph (1) with regard to a type of specified measuring instrument which has passed the test set forth in Article 78, paragraph (1) has attached a document certifying that the specified measuring instrument has passed the test.

(Criteria for Approval)

Article 77 (1) If a person's designation has been rescinded pursuant to the provisions of Article 88 (including when applied mutatis mutandis pursuant to Article 89, paragraph (4)) or Article 89, paragraph (5) and one year has not passed from the day of the rescission, the person may not obtain the approval set forth in paragraph (1) of the preceding Article.

(2) The Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation must approve an application set forth in paragraph (1) of the preceding Article if the structure of the specified measuring instrument pertaining to the application conforms to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (1), item (i).

(Test by Designated Verification Organization)

Article 78 (1) With respect to a specified measuring instrument of a type for which approval set forth in Article 76, paragraph (1) is sought, a notifying manufacturing business operator may take a test implemented by the designated verification organization who conducts the verification test for the specified measuring instrument.

(2) A notifying manufacturing business operator who intends to take the test set forth in the preceding paragraph must submit the specified measuring instrument for testing, construction drawings and other relevant documents to the designated verification organization, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(3) A specified measuring instrument passes the test set forth in paragraph (1) if its structure conforms to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (1), item (i).

(Notification of Change)

Article 79 (1) A notifying manufacturing business operator who obtains the approval set forth in Article 76, paragraph (1) (hereinafter referred to as an "approved manufacturing business operator") must notify the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation of any change in the matters set forth in Article 76, paragraph (2), item (i) or (iii) without delay.

(2) The provisions of Article 61 and Article 62, paragraph (2) apply mutatis mutandis to approved manufacturing business operators. In this case, the term "paragraph (1) of the preceding Article" in Article 61 is deemed to be replaced with "Article 77, paragraph (1)", and the term "preceding paragraph" in the same paragraph is deemed to be replaced with "Article 79, paragraph (1)".

(Obligation of Approved Manufacturing Business Operator to Conform to Standards)

Article 80 When an approved manufacturing business operator manufactures specified measuring instruments belonging to the approved type, it must manufacture the specified measuring instruments so as to conform to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (1), item (i) (excluding those specified by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (2) of the same Article; hereinafter referred to as "manufacturing technical standards"); provided, however, that this does not apply if the approved manufacturing business operator manufactures the specified measuring instruments for the purpose of export and has notified the prefectural governor thereof in advance, or the approved manufacturing business operator

manufactures the specified measuring instruments on a pilot production basis.

(Type Approval Pertaining to Import Business Operator)

Article 81 (1) A person engaged in the business of importing specified measuring instruments (hereinafter referred to as an "import business operator") may obtain approval for the type of specified measuring instruments the person imports from the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation in accordance with the classification prescribed by Cabinet Order set forth in Article 76, paragraph (1).

(2) The provisions of Article 76, paragraph (2) (excluding items (ii) and (iv)) and paragraph (3), Articles 77 and 78 apply mutatis mutandis to the approval set forth in the preceding paragraph. In this case, the term "the name and location of the factory or workplace where the specified measuring instruments are manufactured" in Article 76, paragraph (2), item (iii) is deemed to be replaced with "the name and address of the manufacturer".

(3) The provisions of Article 61, Article 62, paragraph (2) and Article 79, paragraph (1) apply mutatis mutandis to an import business operator who has obtained the approval set forth in paragraph (1) (hereinafter referred to as an "approved import business operator"). In this case, the term "paragraph (1) of the preceding Article" in Article 61 is deemed to be replaced with "Article 77, paragraph (1)", and the term "the preceding Article" in Article 62, paragraph (2) is deemed to be replaced with "Article 79, paragraph (1) as applied mutatis mutandis pursuant to Article 81, paragraph (3)."

(Obligation of Approved Import Business Operator to Conform to Standards)

Article 82 When an approved import business operator sells a specified measuring instrument belonging to the approved type, the specified measuring instrument must conform to the manufacturing technical standards; provided, however, that this does not apply if the approved import business operator sells the specified measuring instruments for the purpose of export and has notified the prefectural governor of that fact in advance.

(Valid Period of Approval)

Article 83 (1) An approval set forth in Article 76, paragraph (1) and Article 81, paragraph (1) ceases to be effective upon the expiration of a period prescribed by Cabinet Order, unless it is renewed, upon the end of the period, for another the period.

(2) Necessary procedural matters pertaining to the renewal set forth in the preceding paragraph are prescribed by Order of the Ministry of Economy, Trade and Industry.

(Indication)

- Article 84 (1) When an approved manufacturing business operator or an approved import business operator has manufactured or imported a specified measuring instrument belonging to the approved type (excluding those manufactured or sold pursuant to the provisions of the proviso to Article 80 or the proviso to Article 82), the approved manufacturing business operator or the approved import business operator may affix an indication thereto pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry,.
- (2) An indication set forth in the preceding paragraph affixed to specified measuring instruments prescribed by Cabinet Order set forth in Article 50, paragraph (1) is to indicate the year in which the indication was affixed.
- (3) No person may affix to specified measuring instruments an indication set forth in paragraph (1) or an indication that is confusingly similar thereto, except in the case prescribed in paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 89, paragraph (4)).

(Removal of Indication)

Article 85 If an import business operator imports specified measuring instruments affixed with the indication set forth in paragraph (1) of the preceding Article or an indication that is confusingly similar thereto, the import business operator must remove that indication prior to the time of transfer, lending or verification test of the specified measuring instruments, except when the indication has been affixed pursuant to the provisions of paragraph (1) of the preceding Article (including when is applied *mutatis mutandis* pursuant to Article 89, paragraph (4)).

(Order for Improvement)

Article 86 If the Minister of Economy, Trade and Industry finds that an approved manufacturing business operator or an approved import business operator is violating the provisions of Article 80 or Article 82, the Minister may order the violating party to take necessary measures in order for the specified measuring instruments manufactured or imported by the violating party to conform to the manufacturing technical standards.

(Lapse of Approval)

Article 87 If an approved manufacturing business operator abolishes the business of manufacturing specified measuring instruments pertaining to its notification or an approved import business operator has abolished the business of importing specified measuring instruments, the approval ceases to be effective.

(Rescission of Approval)

Article 88 If an approved manufacturing business operator or an approved import business operator falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its approval:

- (i) the approved manufacturing business operator or the approved import business operator has violated Article 79, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 81, paragraph (3)) or Article 84, paragraph (3);
- (ii) the approved manufacturing business operator or the approved import business operator has violated an order issued pursuant to the provisions of Article 44 or Article 86; and
- (iii) the approved manufacturing business operator or the approved import business operator has obtained approval set forth in Article 76, paragraph (1) or Article 81, paragraph (1) by wrongful means.

(Type Approval Pertaining to Foreign Manufacturing Business Operator)

Article 89 (1) A person engaged in the business of manufacturing specified measuring instruments to be exported to Japan in a foreign country (hereinafter referred to as a "foreign manufacturing business operator") may obtain approval for the type of the specified measuring instruments from the Minister of Economy, Trade and Industry or Japan Electric Meters Inspection Corporation in accordance with the classification prescribed by Cabinet Order set forth in Article 76, paragraph (1).

- (2) When a foreign manufacturing business operator who has obtained the approval set forth in the preceding paragraph (hereinafter referred to as an "approved foreign manufacturing business operator") manufactures a specified measuring instrument to be exported to Japan belonging to the approved type, the approved foreign manufacturing business operator must make the specified measuring instrument conform to the manufacturing technical standards.
- (3) The provisions of Article 76, paragraph (2) (excluding items (ii) and (iv)) and paragraph (3), Article 77, Article 78 and Article 83 apply *mutatis mutandis* to approval set forth in paragraph (1) of this Article.
- (4) The provisions of Article 61, Article 62, paragraph (2), Article 79, paragraph (1), Article 84, paragraphs (1) and (3), and the preceding three Articles apply *mutatis mutandis* to an approved foreign manufacturing business operator. In this case, the term "paragraph (1) of the preceding Article" in Article 61 is deemed to be replaced with "Article 77, paragraph (1) as applied *mutatis mutandis* pursuant to Article 89, paragraph (3)", and the term "the preceding paragraph" in Article 62, paragraph (2) is deemed to be replaced with "Article 79, paragraph (1) as applied *mutatis mutandis* pursuant to Article 89, paragraph (4)", the terms "No person" and "specified measuring instrument" in

Article 84, paragraph (3) is deemed to be replaced with "No approved foreign manufacturing business operator" and "specified measuring instrument to be exported to Japan", respectively, the terms "Article 80 or Article 82" and "order" in Article 86 is deemed to be replaced with "Article 89, paragraph (2)" and "request", respectively, and the term "has violated an order" in item (ii) of the preceding Article is deemed to be replaced with "has failed to respond to a request."

- (5) Beyond the case pursuant to the provisions of the preceding Article as applied *mutatis mutandis* pursuant to the preceding paragraph, the Minister of Economy, Trade and Industry may rescind the approval of an approved foreign manufacturing business operator if the approved foreign manufacturing business operator falls under any of the following items:
- (i) the Minister of Economy, Trade and Industry has requested, to the extent necessary for the enforcement of this Act, a report from the approved foreign manufacturing business operator, pursuant to the provisions of Cabinet Order, and the approved foreign manufacturing business operator has failed to submit the report or submitted a false report;
  - (ii) the Minister of Economy, Trade and Industry has tried, to the extent necessary for the enforcement of this Act, to cause its officials to inspect specified measuring instruments, books, documents and other materials, or to ask relevant persons questions at the approved foreign manufacturing business operator's factory, workplace, business office, administrative office, or warehouse, and inspection has been refused, obstructed, or evaded, or no answer or a false answer has been given in response to the questions; and
  - (iii) in an inspection pursuant to the provisions set forth in the preceding item, the Minister of Economy, Trade and Industry has requested an approved foreign manufacturing business operator to submit within a time limit a specified measuring instrument that is deemed to be considerably difficult to be inspected by the ministry's officials at the approved foreign manufacturing business operator's location, and the approved foreign manufacturing business operator has failed to respond to the request.
- (6) The State must compensate an approved foreign manufacturing business operator for any loss arising out of a request pursuant to the provisions of item (iii) of the preceding paragraph. In this case, the loss to be compensated is a loss which normally occurs in relation to the request pursuant to the provisions of the same item.

### **Section 3 Designated Manufacturing Business Operators**

(Designation)

Article 90 A designation set forth in Article 16, paragraph (1), item (ii), (b) is

granted to each factory or workplace of a notifying manufacturing business operator or an approved foreign manufacturing business operator in accordance with the business classification prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 40, paragraph (1) (simply referred to as the "business classification" in paragraph (1) of the following Article) upon an application from the notifying manufacturing business operator or the approved foreign manufacturing business operator.

(Application for Designation Pertaining to Notifying Manufacturing Business Operator)

Article 91 (1) A notifying manufacturing business operator who intends to receive a designation set forth in Article 16, paragraph (1), item (ii), (b) must submit an application stating the following matters to the Minister of Economy, Trade and Industry:

- (i) the notifying manufacturing business operator's name and address, and in the case of a corporation, the name of its representative;
- (ii) the business classification;
- (iii) the name and location of the factory or workplace;
- (iv) the date of notification pursuant to the provisions of Article 40, paragraph (1); and
- (v) matters pertaining to the method of quality control (limited to those prescribed by Order of the Ministry of Economy, Trade and Industry).

(2) A notifying manufacturing business operator who has submitted an application pursuant to the provisions of the preceding paragraph must receive an inspection implemented by the prefectural governor or Japan Electric Meters Corporation with respect to the method of quality control in its factory or workplace in accordance with the classification thereof prescribed by Cabinet Order; provided, however, that this does not apply if the notifying manufacturing business operator has submitted an application set forth in the preceding paragraph together with the document set forth in Article 93, paragraph (2).

(3) When the prefectural governor or Japan Electric Meters Inspection Corporation conducts an inspection pursuant to the provisions of the preceding paragraph, the governor or the corporation must report the results of the inspection to the Minister of Economy, Trade and Industry.

(Criteria for Designation)

Article 92 (1) A notifying manufacturing business operator who falls under any of the following items may not receive a designation set forth in Article 16, paragraph (1), item (ii), (b):

- (i) the notifying manufacturing business operator has been sentenced to a fine

- or severer punishment by violating this Act or an order based on this Act, and two years have not passed from the date on which the enforcement of the punishment was completed or became no longer applicable.
- (ii) the notifying manufacturing business operator's designation has been rescinded pursuant to the provisions of Article 99 and two years have not passed from the day of the rescission; and
  - (iii) the notifying manufacturing business operator is a corporation with an operating officer who falls under either of the preceding two paragraphs.
- (2) The Minister of Economy, Trade and Industry must not make a designation unless the Minister finds that the method of quality control in the factory or workplace pertaining to the application for the designation set forth in Article 16, paragraph (1), item (ii), (b) conforms to standards prescribed by Order of the Ministry of Economy, Trade and Industry.

(Examination by Designated Verification Organization)

- Article 93 (1) A notifying manufacturing business operator may receive an examination by a designated verification organization who conducts a verification test of specified measuring instruments with regard to the method of quality control in the notifying manufacturing business operator's factory or workplace pertaining to the application for designation set forth in Article 16, paragraph (1) item (ii), (b).
- (2) When a designated verification organization finds that the method of quality control at the factory or workplace where the examination set forth in the preceding paragraph has been conducted conforms to the standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (2) of the preceding Article, it is to issue a document certifying that fact.

(Notification of Change)

- Article 94 (1) A notifying manufacturing business operator who has obtained a designation set forth in Article 16, paragraph (1), item (ii), (b) (hereinafter referred to as a "designated manufacturing business operator") must notify the Minister of Economy, Trade and Industry of any change in the matters set forth in Article 91, paragraph (1), item (v) without delay.
- (2) The provisions of Article 61 and Article 62, paragraph (2) apply mutatis mutandis to designated manufacturing business operators. In this case, the terms "paragraph (1) of the preceding Article" in Article 61 is deemed to be replaced with "Article 92, paragraph (1)", and the term "preceding paragraph" in the same paragraph is deemed to be replaced with "Article 94, paragraph (1)".



(Obligation of Conformity to Standards)

Article 95 (1) When a designated manufacturing business operator manufactures specified measuring instruments belonging to the type pertaining to an approval set forth in Article 76, paragraph (1) in its designated factory or workplace it must make the specified measuring instruments conform to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (1), item (i) that fall under the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (2) of the same Article and must make their instrumental error not exceed the verification tolerance prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (1), item (ii) of the same Article; provided, however, that this does not apply if the designated manufacturing business operator manufactures the specified measuring instruments for the purpose of export and has notified the prefectural governor thereof in advance, or manufactures the specified measuring instruments on a pilot production basis.

(2) A designated manufacturing business operator must conduct an inspection and prepare and keep the inspection record with regard to specified measuring instruments belonging to the type pertaining to the approval set forth in Article 76, paragraph (1) (excluding those manufactured pursuant to the provisions of the proviso to the preceding paragraph) that are manufactured in its designated factory or workplace, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Indication)

Article 96 (1) When a designated manufacturing business operator manufactures specified measuring instruments belonging to the type pertaining to the approval set forth in Article 76, paragraph (1) (excluding those manufactured pursuant to the provisions of the proviso to paragraph (1) of the preceding Article) in its designated factory or workplace, it may affix an indication to them pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(2) The valid period of an indication set forth in the preceding paragraph to be affixed to the specified measuring instruments prescribed by Cabinet Order set forth in Article 72, paragraph (2) is the period prescribed by Cabinet Order set forth in the same paragraph, and the year and the month of expiration is to be indicated on the indication.

(3) An indication set forth in paragraph (1) affixed to the specified measuring instruments prescribed by Cabinet Order set forth in Article 19, paragraph (1) or Article 116, paragraph (1) is to indicate the year and the month in which it was affixed.

(Restriction on Indication)

Article 97 (1) No person may affix to a specified measuring instrument an indication set forth in paragraph (1) of the preceding Article or an indication that is confusingly similar thereto, except in the case prescribed in paragraph (1) of the preceding Article (including when applied mutatis mutandis pursuant to Article 101, paragraph (3)).

(2) When an import business operator imports a specified measuring instrument affixed with an indication set forth in paragraph (1) of the preceding Article or an indication that is confusingly similar thereto, the import business operator must remove the indication prior to the time of transfer or lending of the specified measuring instrument, except if the indication was affixed pursuant to the provisions of paragraph (1) of the preceding Article (including when applied mutatis mutandis pursuant to Article 101, paragraph (3)).

(Order for Improvement)

Article 98 In the following cases, the Minister of Economy, Trade and Industry may order a designated manufacturing business operator to improve appliances, machines, or equipment used to inspect the specified measuring instruments, as well as its quality control operations, and to take other necessary measures:

- (i) the Minister of Economy, Trade and Industry finds that the method of quality control at the designated manufacturing business operator's designated factory or workplace pertaining to the designation does not conform to the standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 92, paragraph (2); and
- (ii) the Minister of Economy, Trade and Industry finds that the designated manufacturing business operator has violated the provisions of Article 95, paragraph (1).

(Rescission of Designation)

Article 99 If a designated manufacturing business operator falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its designation:

- (i) the designated manufacturing business operator has violated the provisions of Article 84, paragraph (3), Article 94, paragraph (1), Article 95, paragraph (2) or Article 97, paragraph (1);
- (ii) the designated manufacturing business operator has fallen under Article 92, paragraph (1), item (i) or (iii);
- (iii) the designated manufacturing business operator has violated an order issued pursuant to the provisions of Article 86 or the preceding Article; or

(iv) the designated manufacturing business operator has obtained a designation set forth in Article 16, paragraph (1), item (ii), (b) by wrongful means.

(Application Mutatis Mutandis)

Article 100 The provisions of Article 40, paragraph (2) applies mutatis mutandis to the submission of an application pursuant to the provisions of Article 91, paragraph (1) and to a notification pursuant to the provisions of Article 94, paragraph (1), and the provisions of Article 66 applies mutatis mutandis to designated manufacturing business operators.

(Designation Pertaining to Foreign Manufacturing Business Operator)

Article 101 (1) A foreign manufacturing business operator who intends to receive a designation set forth in Article 16, paragraph (1), item (ii) (b) must submit an application stating the matters set forth in Article 91, paragraph (1), items (i) through (iii) and item (v) to the Minister of Economy, Trade and Industry.

(2) When a foreign manufacturing business operator who has received a designation set forth in Article 16, paragraph (1), item (ii), (b) (hereinafter referred to as a "designated foreign manufacturing business operator") manufactures specified measuring instruments to be exported to Japan belonging to the type for which the approval set forth in Article 89, paragraph (1) was received, in its designated factory or workplace, the designated foreign manufacturing business operator must make the specified measuring instruments conform to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (1), item (i) that fall under the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (2) of the same Article and must make their instrumental error not exceed the verification tolerance prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraph (1), item (ii) of the Article.

(3) The provisions of Article 92 apply mutatis mutandis to a designation set forth in Article 16, paragraph (1), item (ii), (b) pertaining to the designation pursuant to the provisions of paragraph (1) of this Article, and the provisions of Article 61, Article 62, Article 65, Article 66, Article 89, paragraphs (5) and (6), Article 94, paragraph (1), Article 95, paragraph (2), Article 96, paragraph (1), Article 97, paragraph (1), Article 98, and Article 99 apply mutatis mutandis to designated foreign manufacturing business operators. In this case, the term "paragraph (1) of the preceding Article" in Article 61 is deemed to be replaced with "Article 92, paragraph (1) as applied mutatis mutandis pursuant to Article 101, paragraph (3)", the term "each item of Article 59" in Article 62, paragraph (1) is deemed to be replaced with "Article 91, paragraph (1), items

(i) through (iii)", the term "the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph" in Article 89, paragraph (5) is deemed to be replaced with "Article 99 as applied mutatis mutandis pursuant to Article 101, paragraph (3)", the term "specified measuring instruments belonging to the type pertaining to the approval set forth in Article 76, paragraph (1) (excluding those manufactured pursuant to the provisions of the proviso to the preceding paragraph)" in Article 95, paragraph (2) and the term "specified measuring instruments belonging to the type pertaining to the approval set forth in Article 76, paragraph (1) (excluding those manufactured pursuant to the provisions of the proviso to paragraph (1) of the preceding Article)" in Article 96, paragraph (1) are deemed to be replaced with "specified measuring instruments to be exported to Japan belonging to the type pertaining to the approval set forth in Article 89, paragraph (1)", the terms "No person" and "specified measuring instrument" in Article 97, paragraph (1) are deemed to be replaced with "No designated foreign manufacturing business operator" and "specified measuring instrument to be exported to Japan", respectively, the term "order" in Article 98 is deemed to be replaced with "request", the term "Article 95, paragraph (1)" in Article 98, item (ii) is deemed to be replaced with "Article 101, paragraph (2)", the term "Article 84, paragraph (3)" in Article 99, item (i) is deemed to be replaced with "Article 84, paragraph (3) as applied mutatis mutandis pursuant to Article 89, paragraph (4)", and the terms "Article 86" and "has violated an order" in Article 99, item (iii) are deemed to be replaced with "Article 86 as applied mutatis mutandis pursuant to Article 89, paragraph (4)" and "has failed to respond to a request", respectively.

#### **Section 4 Inspection of Legal Standard Reference Instruments**

(Inspection of Legal Standard Reference Instruments)

Article 102 (1) Inspections of measuring instruments used in verification tests, periodic inspections and other inspections of measuring instruments prescribed by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as "inspection of legal standard reference instruments") are performed by the Minister of Economy, Trade and Industry, the prefectural governor, or Japan Electric Meters Inspection Corporation in accordance with the classification prescribed by Cabinet Order.

(2) The types of measuring instruments subject to the inspection of legal standard reference instruments and the persons eligible to receive the inspections are prescribed by Order of the Ministry of Economy, Trade and Industry.

(Criteria for Passing the Inspection of Legal Standard Reference Instruments)

Article 103 (1) A measuring instrument passes an inspection of legal standard reference instruments when it conforms to each of the following items:

- (i) the structure of the measuring instrument conforms to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; and
- (ii) the instrumental error of the measuring instrument conforms to standards prescribed by Order of the Ministry of Economy, Trade and Industry;

(2) Conformity to item (i) of the preceding paragraph is to be determined by a method prescribed by Order the Ministry of Economy, Trade and Industry

(3) Conformity to paragraph (1), item (ii) is to be determined through a calibration of the measuring instrument by a method prescribed by Order of the Ministry of Economy, Trade and Industry; provided, however, that if the measuring instrument bears a certificate issued by a registered operator set forth in Article 144, paragraph (1) pertaining to the calibration of the measuring instrument, the conformity may be determined based on the certificate.

(Legal Standard Reference Instrument Inspection Mark)

Article 104 (1) A measuring instrument which has passed an inspection of legal standard reference instruments (hereinafter referred to as a "legal standard reference instrument") is affixed with a legal standard reference instrument inspection mark pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(2) The valid period of a legal standard reference instrument inspection mark is the period prescribed by Order of the Ministry of Economy, Trade and Industry for each type of measuring instrument.

(3) A legal standard reference instrument inspection mark affixed to a measuring instrument which has failed to pass an inspection of legal standard reference instruments is removed.

(Certificate of Inspection of Legal Standard Reference Instruments)

Article 105 (1) When a measuring instrument has passed an inspection of legal standard reference instruments, a certificate of inspection of legal standard reference instruments stating the instrumental error, the methods used for correcting the instrumental error, and the valid period set forth in paragraph (2) of the preceding Article is issued to the applicant for the inspection.

(2) A certificate of inspection of legal standard reference instruments to be issued with regard to a legal standard reference instrument prescribed by Order the Ministry of Economy, Trade and Industry also states the intended use and the method of use of the instrument.

(3) If an applicant for an inspection of legal standard reference instruments has received a certificate of inspection of legal standard reference instruments

pertaining to a measuring instrument which has failed to pass an inspection of legal standard reference instruments, a cancellation mark is applied to the certificate of inspection of legal standard reference instruments.

- (4) Any transfer or lending of a legal standard reference instrument must be made together with the certificate of inspection of legal standard reference instrument thereof.

## **Section 5 Designated Verification Organizations**

- Article 106 (1) A designation set forth in Article 16, paragraph (1), item (ii), (a) is made, in accordance with the classification prescribed by Cabinet Order, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, upon an application submitted by a person who intends to perform a verification test (including an inspection of electric meters fitted with a current transformer, a fitting inspection, a test set forth in Article 78, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 81, paragraph (2) and Article 89, paragraph (3)) and an examination set forth in Article 93, paragraph (1); hereinafter the same applies in this Article).
- (2) A designated verification organization must notify the Minister of Economy, Trade and Industry of any change in the location of the place of business in which verification tests are conducted two weeks prior to the date of the intended change.
- (3) The provisions of Articles 27 through 33 and Articles 35 through 38 apply *mutatis mutandis* to designated verification organizations and verification tests. In this case, the term "prefectural governor or the head of a specified municipality" in these provisions is deemed to be replaced with "the Minister of Economy, Trade and Industry", and the term "Article 20, paragraph (1)" in Articles 27 through Article 28-2 and Article 38, item (v) is deemed to be replaced with "Article 16, paragraph (1), item (ii), (a)."

## **Chapter VI Measurement Certification Business**

### **Section 1 Measurement Certification Business**

(Registration of Measurement Certification Business)

- Article 107 A person who intends to engage in a measurement certification business listed in the following items must obtain a registration for each of its places of business from the prefectural governors having jurisdiction over the places of business, in accordance with the business classification prescribed by Order of the Ministry of Economy, Trade and Industry (simply referred to as the "business classification" in the following Article); provided, however, that this does not apply if a person engaged in the measurement certification

business is the national government, a local government, or an incorporated administrative agency prescribed by Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999) who is prescribed by Cabinet Order as competent to appropriately perform the measurement certification business, or when the measurement certification business is performed by a person who has received a registration, designation or any other disposition to conduct that business based on the provisions of an Act prescribed by Cabinet Order:

- (i) the business of measurement certifications for length, weight, area, volume, or heat concerning goods to be loaded/unloaded or entered/dispatched for transportation, deposit or sale or purchase (excluding the measurement certifications of mass or volume of goods to be loaded on or unloaded from a ship); and
- (ii) the business of measurement certifications for concentration, sound pressure level, or the quantity of other physical phenomena prescribed by Cabinet Order (excluding what is listed in the preceding item).

#### (Application for Registration)

Article 108 A person who intends to obtain a registration set forth in the preceding Article must submit an application stating the following matters to the prefectural governor having jurisdiction over the person's place of business:

- (i) the person's name and address, and in the case of a corporation, the name of its representative;
- (ii) the business classification;
- (iii) the location of the place of business;
- (iv) the name, performance and number of specified measuring instruments and other appliances, machines, or equipment used for measurement certifications, prescribed by Order of the Ministry of Economy, Trade and Industry; and
- (v) the names and job descriptions of the following persons (and their registration numbers in the case of persons listed in (a) below) engaged in the service pertaining to the business:
  - (a) certified measurers prescribed by Order of the Ministry of Economy, Trade and Industry according to the business classification; and
  - (b) persons with knowledge and experience that conform to the requirements prescribed by Order of the Ministry of Economy, Trade and Industry according to the business classification.

#### (Criteria for Registration)

Article 109 The prefectural governor must grant a registration when an application for registration set forth in Article 107 conforms to each of the

following items:

- (i) specified measuring instruments and other appliances, machines or equipment used for measurement certifications conform to standards prescribed by Order of the Ministry of Economy, Trade and Industry;
- (ii) measurement control (meaning the act of taking necessary measures to ensure appropriate measurements, such as preparation of measuring instruments, maintenance of accurate measurements, and improvement of measurement methods; the same applies hereinafter) pertaining to the business is performed by a person listed in item (v), (a) or (b) of the preceding Article; and
- (iii) if the business is a specified measurement certification business set forth in Article 121-2 and is prescribed by Cabinet Order as a business which is specifically required to ensure appropriate measurements, the business is accredited under the same Article.

#### (Business Rules)

Article 110 (1) A person who has obtained a registration set forth in Article 107 (hereinafter referred to as a "measurement certification business operator") must prepare business rules stating matters prescribed by Order of the Ministry of Economy, Trade and Industry with regard to the method of implementation of the business to be registered, and notify the rules without delay to the prefectural governor after the registration. The same applies to any change thereof.

- (2) When the prefectural governor finds it necessary for ensuring the proper implementation of measurement certifications, the governor may order a measurement certification business operator to change its business rules pertaining to the notification pursuant to the provisions of the preceding paragraph.

#### (Issuance of Certificate)

Article 110-2 (1) When a measurement certification business operator has performed measurement certifications pertaining to its measurement certification business, the measurement certification business operator may issue a certificate stating the matters prescribed by Order of the Ministry of Economy, Trade and Industry and bearing a mark prescribed by Order of the Ministry of Economy, Trade and Industry.

- (2) No person may affix to a certificate pertaining to measurement certifications a mark set forth in the preceding paragraph or a mark that is confusingly similar thereto, except in the case prescribed in the preceding paragraph.
- (3) In addition to what is provided for in the preceding paragraph, a measurement certification business operator must not affix to an article other



than certificates pertaining to measurement certifications a mark set forth in paragraph (1) or a mark that is confusingly similar thereto.

(Order for Compliance)

Article 111 If a prefectural governor finds that a measurement certification business operator has become noncompliant with the provisions of each item of Article 109, the governor may order the measurement certification business operator to take necessary measures for compliance with those provisions.

(Lapse of Registration)

Article 112 If a measurement certification business operator abolishes its registered business or relocates its place of business to a location outside the jurisdiction of the prefectural governor who granted the registration, the registration ceases to be effective.

(Rescission of Registration)

Article 113 If a measurement certification business operator falls under any of the following items, the prefectural governor may rescind its registration, or order the suspension of its business for a specified period not exceeding one year:

- (i) the measurement certification business operator has violated the provisions of Article 62, paragraph (1) as applied mutatis mutandis pursuant to the following Article, or the provisions of Article 116;
- (ii) the measurement certification business operator has fallen under Article 92, paragraph (1), item (i)1 or as applied mutatis mutandis pursuant to the following Article;
- (iii) the measurement certification business operator has violated an order issued pursuant to the provisions of Article 110, paragraph (2) or Article 111;
- (iv) the prefectural governor finds that the business rules pertaining to the notification pursuant to the provisions of Article 110, paragraph (1) are not being enforced;
- (v) the measurement certification business operator has committed wrongful acts pertaining to the measurement certificate business except in the case prescribed in each of the preceding items; and
- (vi) the measurement certification business operator has obtained a registration set forth in Article 107 by wrongful means.

(Application Mutatis Mutandis)

Article 114 The provisions of Article 92, paragraph (1) apply mutatis mutandis to a registration set forth in Article 107, and the provisions of Article 61, Article 62 and Article 65 apply mutatis mutandis to measurement certification

business operators. In this case, the terms "two years" and "Article 99" in Article 92, paragraph (1), items (i) and (ii) are deemed to be replaced with "one year" and "Article 113", respectively, the term "paragraph (1) of the preceding Article" in Article 61 is deemed to be replaced with "Article 92, paragraph (1) as applied mutatis mutandis pursuant to Article 114", and the term "each item of Article 59" in Article 62, paragraph (1) is deemed to be replaced with "Article 108, item (i), and items (iii) through (v)."

(Delegation to Order of the Ministry of Economy, Trade and Industry)

Article 115 Beyond what is provided for in Article 107 through the preceding Article, the issuance, revision, reissuance and return of registration certificates, the issuance of certified copies of a registry or inspections thereof, and other matters pertaining to registration of the business of measurement certifications are prescribed by Order of the Ministry of Economy, Trade and Industry.

## **Section 2 Measurement Certification Inspection**

(Measurement Certification Inspection)

Article 116 (1) A measurement certification business operator must receive, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry, an inspection performed by the prefectural governor who granted registration to the measurement certification business operator (hereinafter referred to as a "measurement certifications inspection") with respect to specified measuring instruments prescribed by Cabinet Order and used for measurement certifications (excluding those prescribed by Cabinet Order set forth in Article 16, paragraph (1)) at intervals, prescribed by Cabinet Order for each specified measuring instrument, from the date of registration set forth in Article 107; provided, however, that this does not apply to the following specified measuring instruments:

- (i) a specified measuring instrument affixed with a verification mark, etc. for which the period prescribed by Cabinet Order for each specified measuring instrument has not expired from the first day of the month following the month indicated on the mark, etc. pursuant to the provisions of Article 72, paragraph (3) or Article 96, paragraph (3); and
  - (ii) a specified measuring instrument used by a measurement certification business operator who has received a designation set forth in Article 127, paragraph (1) in the designated place of business (excluding what is listed in the preceding item).
- (2) A measurement certification business operator who has received a designation set forth in Article 127, paragraph (1) must cause a certified

measurer prescribed in Article 128, paragraph (1) to inspect, once during the period prescribed by Cabinet Order, excluding the period applied to each item of the preceding paragraph, whether a specified measuring instrument prescribed by Cabinet Order set forth in the same paragraph that is used in the designated place of business conforms to each item of Article 118, paragraph (1) using a method prescribed by Order of the Ministry of Economy, Trade and Industry set forth in paragraphs (2) and (3) of the same Article.

(Designated Measurement Certification Inspection Organization)

Article 117 (1) The prefectural governor may designate a person (hereinafter referred to as a "designated measurement certification inspection organization") to perform a measurement certification inspection.

(2) When the prefectural governor has a designated measurement certification inspection organization perform the whole or part of service of a measurement certification inspection (hereinafter referred to as "inspection service" in this section) pursuant to the provisions of the preceding paragraph, the governor is to refrain from implementing the inspection service in whole or in part.

(Criteria for Passing the Measurement Certification Inspection)

Article 118 (1) A specified measuring instrument passes the measurement certification inspection if it conforms to each of the following items:

- (i) the specified measuring instrument is affixed with a verification mark, etc. (in the case of a specified measuring instrument prescribed by Cabinet Order set forth in Article 72, paragraph (2), limited to those for which the valid period has not yet expired);
- (ii) the performance of the specified measuring instrument conforms to technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; and
- (iii) the instrumental error of the specified measuring instrument does not exceed the tolerance for use prescribed by Order of the Ministry of Economy, Trade and Industry.

(2) Conformity to item (ii) of the preceding paragraph is to be determined by a method prescribed by Order the Ministry of Economy, Trade and Industry

(3) Conformity to paragraph (1), item (iii) is to be determined by a method prescribed by Order the Ministry of Economy, Trade and Industry by using a legal standard reference instrument (with regard to the instrumental error of a specified measuring instrument prescribed by Order the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (3), a reference material prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the same paragraph).

(Measurement Certification Inspection Mark)

- Article 119 (1) A specified measuring instrument which has passed a measurement certification inspection is affixed with a measurement certification inspection mark pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) A measurement certification inspection mark set forth in the preceding paragraph is to indicate the year and the month in which the measurement certification inspection was conducted.
- (3) If a specified measuring instrument that has not passed a measurement certification inspection bears a verification mark, etc., the verification mark, etc. is removed.

(Inspection by Certified Measurer in Lieu of Measurement Certification Inspection)

- Article 120 (1) With respect to a specified measuring instrument required to undergo a measurement certification inspection pursuant to the provisions of Article 116, paragraph (1), when a certified measurer prescribed according to the type of the specified measuring instrument by Order of the Ministry of Economy, Trade and Industry has performed an inspection thereof by a method prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 118, paragraphs (2) and (3) within a period prescribed by Order of the Ministry of Economy, Trade and Industry, and has affixed an indication pursuant to the provisions of Article 25, paragraph (3) as applied mutatis mutandis pursuant to the following paragraph, and the measurement certification business operator has notified the prefectural governor having jurisdiction over its place of business of that fact, the specified measuring instrument is not required to undergo a measurement certification inspection, notwithstanding the provisions of Article 116, paragraph (1).
- (2) The provisions of Article 25, paragraphs (2) and (3) apply mutatis mutandis to the case of the preceding paragraph. In this case, the term "each item of Article 23, paragraph (1)" in Article 25, paragraph (3) is deemed to be replaced with "each item of Article 118, paragraph (1)".

(Designation of Measurement Certification Inspection Organization)

- Article 121 (1) The designation set forth in Article 117, paragraph (1) is, made upon an application from a person who intends to perform an inspection service, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.
- (2) The provisions of Articles 27 through 33, Articles 35 through 39, and Article 106, paragraph (2) apply mutatis mutandis to designated measurement certification inspection organizations and measurement certification

inspections. In this case, the term "the prefectural governor or the head of a specified municipality" in these provisions and the term "the Minister of Economy, Trade and Industry" in Article 106, paragraph (2) are deemed to be replaced with "the prefectural governor", and the term "Article 20, paragraph (1)" in Articles 27 through 28-2, and Article 38, item (v) is deemed to be replaced with "Article 117, paragraph (1)".

### **Section 3 Specified Measurement Certification Business**

#### **(Accreditation)**

Article 121-2 A person who intends to engage in the specified measurement certification business (meaning the business prescribed by Cabinet Order as requiring high levels of technology to certify measurements of very small quantities of the physical phenomena prescribed in Article 107, item (ii); hereinafter the same applies in this Article) may obtain an accreditation of the business's conformity to each of the following items, in accordance with the classification prescribed by Order of the Ministry of Economy, Trade and Industry, by submitting an application to the Minister of Economy, Trade and Industry or an entity designated thereby (hereinafter referred to as a "specified measurement certification accreditation organization"):

- (i) the person has a management organization necessary to appropriately perform the specified measurement certification business;
- (ii) the person has technological competency necessary to accurately and smoothly perform the specified measurement certification business; and
- (iii) the person has established service implementation methods necessary to appropriately perform the specified measurement certification business.

#### **(Issuance of Certificate)**

- Article 121-3 (1) When a person who has obtained an accreditation set forth in the preceding Article (hereinafter referred to as an "accredited specified measurement certification business operator") performs a measurement certification service pertaining to the classification of the business accredited pursuant to the same Article, the accredited specified measurement certification business operator may issue a certificate with a mark prescribed by Order of the Ministry of Economy, Trade and Industry affixed stating matters prescribed by Order of the Ministry of Economy, Trade and Industry.
- (2) No person may affix to a certificate pertaining to measurement certifications a mark set forth in the preceding paragraph or a mark confusingly similar thereto, except in the case prescribed in the preceding paragraph.
- (3) Beyond what is provided for in the preceding paragraph, an accredited specified measurement certification business operator must not affix to any

item other than certificates pertaining to measurement certifications a mark set forth in paragraph (1) or a mark confusingly similar thereto.

(Renewal of Accreditation)

Article 121-4 (1) An accreditation set forth in Article 121-2 ceases to be effective upon the expiration of a period of not less than three years prescribed by Cabinet Order unless it is renewed, upon the end of the period, for another the period.

(2) The provisions of Article 121-2 and paragraph (1) of the preceding Article apply mutatis mutandis to the renewal of accreditation set forth in the preceding paragraph.

(Rescission of Accreditation)

Article 121-5 The Minister of Economy, Trade and Industry may rescind the accreditation of an accredited specified measurement certification business operator if it falls under any of the following items:

- (i) the accredited specified measurement certification business operator has become noncompliant with any of the items of Article 121-2; and
- (ii) the accredited specified measurement certification business operator has obtained an accreditation set forth in Article 121-2 or renewed an accreditation set forth in paragraph (1) of the preceding Article 1 by wrongful means.

(Application Mutatis Mutandis)

Article 121-6 The provisions of Article 41, Article 65 and Article 66 apply mutatis mutandis to accredited specified measurement certification business operators.

## **Section 4 Specified Measurement Certification Accreditation Organizations**

(Application for Designation)

Article 121-7 A designation set forth in Article 121-2 is made for each classification prescribed by Order of the Ministry of Economy, Trade and Industry upon an application submitted pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry by a person who intends to perform accreditation set forth in the same Article.

(Criteria for Designation)

Article 121-8 The Minister of Economy, Trade and Industry must not make a designation unless the Minister finds that an application for the designation

set forth in Article 121-2 conforms to each of the following criteria:

- (i) persons with the knowledge and experience required by Order of the Ministry of Economy, Trade and Industry perform the accreditation set forth in Article 121-2 (hereinafter referred to simply as an "accreditation" in this Article and the following Article) and the number of the persons is not less than the number prescribed by Order of the Ministry of Economy, Trade and Industry;
- (ii) in the case of a corporation, the organization of its officers or members prescribed by Order of the Ministry of Economy, Trade and Industry for each type of corporation is not likely to hinder the fair performance of accreditation;
- (iii) beyond what is provided for in the preceding paragraph, the corporation conforms to other criteria prescribed by Order of the Ministry of Economy, Trade and Industry as those that are unlikely to cause an unfair accreditation;
- (iv) the applicant has a financial basis necessary for the appropriate and smooth accreditation service; and
- (v) the granting of a designation herein will not result in an impediment to the appropriate and smooth implementation of accreditation pertaining to the application.

(Obligation of Accreditation)

Article 121-9 (1) When a specified measurement certification accreditation organization receives a request for accreditation, it must implement an examination for the accreditation without delay, unless there are justifiable grounds for refusing to do so.

(2) When a specified measurement certification accreditation organization conducts an accreditation, it must cause a person prescribed in item (i) of the preceding Article to perform the accreditation.

(Application Mutatis Mutandis)

Article 121-10 The provisions of Article 27, Article 28-2, Articles 30 through 32, Articles 35 through 38, and Article 106, paragraph (2) apply mutatis mutandis to specified measurement certification accreditation organizations and an accreditation set forth in Article 121-2. In this case, the term "the prefectural governor or the head of specified municipality" in these provisions is deemed to be replaced with "the Minister of Economy, Trade and Industry", the term "Article 20, paragraph (1)" in Article 27, Article 28-2, paragraph (1), and Article 38, item (v) is deemed to be replaced with "Article 121-2", the term "The preceding three Articles" in Article 28-2, paragraph (2) is deemed to be replaced with "Article 27 as applied mutatis mutandis pursuant to Article 121 -

7, Article 121-8 and Article 121-10", the term "Article 28, item (ii)" in Article 35 is deemed to be replaced with "Article 121-8, item (i)", and the term "Article 28, items (i) through (v)" in Article 37 is deemed to be replaced with "Article 121-8, items (i) through (iv)".

## **Chapter VII Appropriate Measurement Control**

### **Section 1 Certified Measurers**

(Registration)

- Article 122 (1) The Minister of Economy, Trade and Industry registers as certified measurers persons with knowledge and experience necessary to properly perform inspections of measuring instruments and other measurement control activities.
- (2) A person who falls under any of the following items may become a certified measurer by obtaining a registration pursuant to the provisions of the preceding paragraph according to the classification of certified measurers prescribed by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to simply as "the classification of certified measurers") with regard to the person's name, date of birth and other necessary matters prescribed by Order of the Ministry of Economy, Trade and Industry:
- (i) the person has passed the national certified measurer examination and conforms to the practical experience requirements and other requirements prescribed by Order of the Ministry of Economy, Trade and Industry according to the classification of certified measurers; or
  - (ii) the person is a graduate of the course provided by the National Institute of Advanced Industrial Science and Technology (hereinafter referred to as the "AIST") set forth in Article 166, paragraph (1), conforms to the practical experience requirements and other requirements prescribed by Order of the Ministry of Economy, Trade and Industry according to the classification of certified measurers, and has been certified by the Measurement Administration Council as having an equivalent or higher level of academic knowledge and experience to that of the person listed in the preceding item.
- (3) No person who falls under any of the following items may receive a registration pursuant to the provisions of paragraph (1):
- (i) the person has been sentenced to a fine or severer punishment for violating this Act or an order based on this Act, and one year has not passed from the date on which the enforcement of the punishment was completed or became no longer applicable; or
  - (ii) the person's registration as a certified measurer has been rescinded pursuant to the provisions of the following Article, and one year has not passed from the day of the rescission



(Rescission of Registration)

Article 123 If a certified measurer falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the measurer's registration, or order the suspension of the use of the title of "certified measurer" for a specified period not exceeding one year.

- (i) the certified measurer has violated any provisions of this Act or any order based on this Act;
- (ii) the certified measurer has committed wrongful acts pertaining to specified measuring instrument inspection services except in the case prescribed in the preceding item; or
- (iii) the certified measurer has obtained a registration set forth in paragraph (1) of the preceding Article by wrongful means.

(Restriction of Use of Title)

Article 124 A person who is not a certified measurer must not use the title of "certified measurer".

(National Certified Measurer Examination)

Article 125 The national certified measurer examination is implemented at least once a year by the Minister of Economy, Trade and Industry in accordance with the classification of certified measurers in order to assess the knowledge and skills necessary for inspecting measuring instruments and for other measurement control activities.

(Delegation to Cabinet Order and Order of the Ministry of Economy, Trade and Industry)

Article 126 Beyond what is provided for in Article 122 through the preceding Article, applications for registration, the issuance, revision, reissuance and return of registration certificates, the issuance of certified copies of a registry or inspections thereof, and other matters pertaining to the registration of certified measurers are prescribed by Cabinet Order, and the examination subjects, examination procedures and other details pertaining to the national certified measurer examination are prescribed by Order of the Ministry of Economy, Trade and Industry.

## **Section 2 Appropriate Measurement Control Business Places**

(Designation)

Article 127 (1) The Minister of Economy, Trade and Industry designates as an appropriate measurement control business place places of business in which a

specified measuring instrument is used and appropriate measurement control is performed.

- (2) A person who intends to receive a designation set forth in the preceding paragraph must submit an application stating the following matters to the Minister of Economy, Trade and Industry through the prefectural governor having jurisdiction over the person's place of business in which specified measuring instruments is used (if its place of business is located within the jurisdiction of a specified municipality, through the head of the specified municipality:
- (i) the person's name and address, and in the case of a corporation, the name of its representative;
  - (ii) the name and location of the place of business;
  - (iii) the name, performance and number of specified measuring instruments to be used;
  - (iv) the name, registration number and classification of the certified measurer who performs the inspection of specified measuring instruments to be used; and
  - (v) matters pertaining to the method of measurement control (limited to those prescribed by Order of the Ministry of Economy, Trade and Industry).
- (3) A person who has submitted an application set forth in paragraph (1) must receive an inspection by the prefectural governor or the head of the specified municipality regarding the method of measurement control at the place of business without delay.
- (4) When the prefectural governor or the head of the specified municipality implements an inspection pursuant to the provisions of the preceding paragraph, the governor or head must report to the Minister of Economy, Trade and Industry the results of the inspection pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Criteria for Designation)

Article 128 If the Minister of Economy, Trade and Industry finds that an application for designation set forth in paragraph (1) of the preceding Article conforms to each of the following items, the Minister must make the designation:

- (i) a certified measurer prescribed by Order of the Ministry of Economy, Trade and Industry for each type of specified measuring instrument periodically inspects specified measuring instruments used in the place of business pursuant to the provisions of Order of the Ministry of Economy; and
- (ii) in addition, the method of measurement control conforms to the standards prescribed by Order of the Ministry of Economy, Trade and Industry.

(Bookkeeping)

Article 129 A person who has received a designation set forth in Article 127, paragraph (1) must prepare books, enter in the books the results of inspections performed by a certified measurer of specified measuring instruments used in the appropriate measurement control business place, and keep the books, pursuant to the provisions of the Order of the Ministry of Economy, Trade and Industry.

(Sign)

Article 130 (1) A person who has received a designation set forth in Article 127, paragraph (1) may display a sign in the form prescribed by Order of the Ministry of Economy, Trade and Industry at its appropriate measurement control business place.

(2) No person may display a sign set forth in the preceding paragraph or any sign confusingly similar thereto, except in the case prescribed in the preceding paragraph.

(Order for Compliance)

Article 131 If the Minister of Economy, Trade and Industry finds that a person who has received a designation set forth in Article 127, paragraph (1) has become noncompliant with each item of Article 128, the Minister may order the person to take necessary measures for compliance with those items.

(Rescission of Designation)

Article 132 If a person who has received a designation set forth in Article 127, paragraph (1) falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its designation:

- (i) the person has violated the provisions of Article 130, paragraph (2) or the provisions of Article 62, paragraph (1) as applied *mutatis mutandis* pursuant to the following Article;
- (ii) the person falls under Article 92, paragraph (1), item (i) or (iii) as applied *mutatis mutandis* pursuant to the following Article;
- (iii) the person has violated an order issued pursuant to the provisions of the preceding Article; and
- (iv) the person has received a designation set forth in Article 127, paragraph (1) by wrongful means.

(Application *Mutatis Mutandis*)

Article 133 The provisions of Article 92, paragraph (1) applies *mutatis mutandis* to a designation set forth in Article 127, paragraph (1), and the provisions of Article 61, Article 62, Article 65 and Article 66 apply *mutatis mutandis* to

persons who have received a designation set forth in Article 127, paragraph (1). In this case, the terms "two years" and "Article 99" in Article 92, paragraph (1), items (i) and (ii) are deemed to be replaced with "one year" and "Article 132", respectively, the term "paragraph (1) of the preceding Article" in Article 61 is deemed to be replaced with "Article 92, paragraph (1) as applied mutatis mutandis pursuant to Article 133", and the term "each item of Article 59" in Article 62, paragraph (1) is deemed to be replaced with "each item of Article 127, paragraph (2)".

## **Chapter VIII Calibration of Measuring Instruments**

### **Section 1 Calibration using Specified Standard Instruments**

(Designation of Specified Standard Instruments)

Article 134 (1) The Minister of Economy, Trade and Industry is to designate a measuring instrument used as a standard for measuring instruments which represents the quantities of specified physical phenomena, or an appliance, machine or equipment for manufacturing a reference material which represents those quantities.

(2) If the Minister of Economy, Trade and Industry designates a measuring instrument used as a standard for measuring instruments which represents the quantities of specified physical phenomena, pursuant to the provisions of the preceding paragraph, and finds it inappropriate to repeatedly use the measuring instrument pertaining to the designation (hereinafter referred to as a "specified standard instrument") for the purpose of calibrating measuring instruments, the Minister is to also designate a measuring instrument which has been calibrated by using the specified standard instrument and which the Minister finds appropriate to be used for calibrating measuring instruments in lieu of the specified standard instrument.

(3) If the Minister of Economy, Trade and Industry finds that a specified standard instrument or a reference material manufactured by using appliances, machines or equipment pertaining to a designation pursuant to the provisions of paragraph (1) (hereinafter referred to as a "specified reference material") has become inappropriate to be used as a standard for measuring instruments which represents the quantities of the specified physical phenomena, the Minister may rescind its designation. In this case, when a designation pursuant to the provisions of the preceding paragraph has been made for the specified standard instrument pertaining to the rescission of the designation, that designation also is to be rescinded.

(4) If the Minister of Economy, Trade and Industry finds that a measuring instrument pertaining to a designation pursuant to the provisions of paragraph (2) has become inappropriate to be used for calibrating measuring instruments

in lieu of a specified standard instrument, the Minister may rescind its designation.

(Calibration Using Specified Standard Instruments)

- Article 135 (1) The calibration of a measuring instrument or the valuing of a reference material using a specified standard instrument, a measuring instrument pertaining to a designation pursuant to the provisions of paragraph (2) of the preceding Article (hereinafter referred to as "specified standard instrument, etc."), or a specified reference material (hereinafter referred to as "calibration, etc. using specified standard instruments") is implemented by the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation, or a person designated by the Minister of Economy, Trade and Industry (hereinafter referred to as a "designated calibration organization").
- (2) When the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation, or a designated calibration organization implements calibration, etc. using specified standard instruments, pursuant to the provisions of the preceding paragraph, the Minister is to give public notice of the following matters:
- (i) the person who performs the calibration, etc. using specified standard instruments;
  - (ii) the measuring instrument or the reference material for which calibration, etc. using specified standard instruments is performed; and
  - (iii) the specified standard instrument or the specified reference material used for calibration, etc. using specified standard instruments, etc.
- (3) If it becomes impossible to perform calibration, etc. using specified standard instruments pertaining to a public notice pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry is to give public notice of that fact.

(Issuance of Certificate)

- Article 136 (1) After implementing calibration, etc. using specified standard instruments, the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation, or a designated calibration organization is to issue a certificate with a mark prescribed by Order of the Ministry Economy, Trade and Industry stating matters prescribed by Order of the Ministry Economy, Trade and Industry.
- (2) No person may affix to a certificate pertaining to the calibration of measuring instruments or the valuing of reference materials (hereinafter referred to as "calibration, etc. of measuring instruments") a mark set forth in the preceding paragraph or a mark that is confusingly similar thereto, except in the case prescribed in the paragraph.

(3) Beyond what is provided for in the preceding paragraph, a designated calibration organization and a person who has obtained registration set forth in Article 143, paragraph (1) must not affix to any item other than certificates pertaining to calibration, etc. of measuring instruments, the mark set forth in paragraph (1) or a mark that is confusingly similar thereto.

(Obligation to Perform Calibration using Specified Standard Instruments)

Article 137 When requested to implement calibration, etc. using specified standard instruments, the Minister of Economy, Trade and Industry, Japan Electric Meters Inspection Corporation, or a designated calibration organization must implement the calibration, etc. using specified standard instruments unless there are justifiable grounds for refusing to do so.

(Application for Designation)

Article 138 A designation set forth in Article 135, paragraph (1) is made upon an application from a person who intends to perform calibration, etc. using specified standard instruments, and determines the scope of permitted services, pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry.

(Disqualification)

Article 139 A person who falls under any of the following items may not receive a designation set forth in Article 135, paragraph (1):

- (i) the person has been sentenced to a fine or severer punishment for violating this Act or an order based on this Act, and two years have not passed from the date on which the enforcement of the punishment was completed or became no longer applicable;
- (ii) the person's designation set forth in Article 135, paragraph (1) has been rescinded pursuant to the provisions of Article 141 and two years have not passed from the day of the rescission (excluding those whose designation set forth in Article 135, paragraph (1) has been rescinded for the reason that the person has fallen under Article 141, item (iii) due to the fact that the designation made pursuant to the provisions of Article 134, paragraph (1) or (2) has been rescinded pursuant to the provisions of Article 134, paragraph (3) or (4)); or
- (iii) the person is a corporation with an operating director who falls under item (i).

(Criteria for Designation)

Article 140 The Minister of Economy, Trade and Industry must not make a designation unless the Minister finds that an application for designation set

forth in Article 135, paragraph (1) conforms to each of the following items:

- (i) the applicant is a person who performs calibration of a measuring instrument using specified standard instruments, etc., or is a person who manufactures a specified reference material by using appliances, machines or equipment pertaining to a designation pursuant to the provisions of Article 134, paragraph (1) and performs calibration of a measuring instrument or valuing of a reference material by using the specified reference material so manufactured;
- (ii) the applicant has technological competency and a financial basis necessary to accurately and smoothly perform the service of calibration, etc. with specified standard instruments;
- (iii) the applicant is a corporation, and the organization of its officers or members prescribed by Order of the Ministry of Economy, Trade and Industry for each type of corporation is not likely to hinder the fair implementation of calibration, etc. using specified standard instruments; and
- (iv) in addition to what is provided for in the preceding item, corporations must conform to other criteria prescribed by Order of the Ministry of Economy, Trade and Industry as those that are unlikely to cause an unfair calibration, etc. using specified standard instruments.

#### (Rescission of Designation)

Article 141 If a designated calibration organization falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its designation, or order the suspension of the service of calibration, etc. using specified standard instruments in whole or in part for a specified period:

- (i) the designated calibration organization has violated any of the provisions provided in this Section;
- (ii) the designated calibration organization has fallen under Article 139, item (i) or (iii);
- (iii) the designated calibration organization has become noncompliant with item (i) of the preceding Article;
- (iv) the designated calibration organization has performed the service of calibration, etc. using specified standard instruments without following its service rules for which the approval set forth in Article 30, paragraph (1) as applied *mutatis mutandis* pursuant to the following article has been granted;
- (v) the designated calibration organization has violated an order issued pursuant to the provisions of Article 30, paragraph (3) or Article 37 as applied *mutatis mutandis* pursuant to the following Article; or
- (vi) the designated calibration organization has obtained a designation set forth in Article 135, paragraph (1) by wrongful means.

(Application Mutatis Mutandis)

Article 142 The provisions of Article 28-2, Articles 30 through 32, Article 36, Article 37, and Article 106, paragraph (2) apply mutatis mutandis to designated calibration organizations and calibration, etc. using specified standard instruments. In this case, the term "the prefectural governor or the head of a specified municipality" in these provisions is deemed to be replaced with "the Minister of Economy, Trade and Industry", the term "Article 20, paragraph (1)" in Article 28-2 is deemed to be replaced with "Article 135, paragraph (1)", and the term "Article 28, items (i) through (v)" in Article 37 is deemed to be replaced with "Article 140, items (ii) through (iv)".

## **Section 2 Calibration using Measuring Instruments Other Than Specified Standard Instruments**

(Registration)

Article 143 (1) A person engaged in the business of calibration, etc. of measuring instruments may receive a registration by submitting an application to the Minister of Economy, Trade and Industry according to the quantity of physical phenomena represented by a measuring instrument to be calibrated or to the quantity of physical phenomena attached to a reference material to be valued. In this case, the necessary procedures pertaining to the registration are prescribed by Order of the Ministry of Economy, Trade and Industry.

(2) When an application for the registration set forth in the preceding paragraph conforms to all of the following requirements, the Minister of Economy, Trade and Industry must grant the registration:

(i) the applicant performs calibration, etc. of measuring instruments by using a measuring instrument or a reference material which has been calibrated, etc. using specified standard instruments, or by using a measuring instrument or a reference material which has been calibrated, etc. in a gradual manner together with the initially mentioned measuring instrument or reference material; and

(ii) the applicant conforms to the standards regarding calibration organizations set forth by the International Organization for Standardization and the International Electrotechnical Commission.

(3) A registration set forth in paragraph (1) is to be made by stating the matters listed in the following items on the registry:

(i) the date of registration, and registration number;

(ii) the name and address of the registered person, and in the case of a corporation, the name of its representative

(iii) the name and location of the place of business in which the registered person performs calibration, etc. of measuring instruments.



- (iv) a description about whether the registered person performs calibration of measuring instruments or valuing of reference materials; and
- (v) the quantity of physical phenomena represented by a measuring instrument to be calibrated by the registered person or of physical phenomena attached to a reference material to be valued by the registered person

#### (Issuance of Certificate)

Article 144 (1) When a person who received a registration set forth in the preceding Article (hereinafter referred to as a "registered operator") has, as set forth in paragraph (2), item (i) of the same Article, performed calibration, etc. of measuring instruments by using a measuring instrument or a reference material which has been calibrated, etc. using specified standard instruments, or by using a measuring instrument or a reference material which has been calibrated, etc. in a gradual manner together with the initially mentioned measuring instrument or reference material, the person may issue a certificate stating matters prescribed by Order of the Ministry of Economy, Trade and Industry and affix a mark prescribed by Order of the Ministry of Economy, Trade and Industry.

- (2) When a registered operator performs calibration, etc. of measuring instruments, with regard to a measuring instrument or a reference material to be sold or lent by the registered operator itself, the registered operator may sell or lend the measuring instrument or reference material together with a certificate set forth in the preceding paragraph.
- (3) No person may affix to a certificate pertaining to calibration, etc. of measuring instruments a mark set forth in paragraph (1) or a mark that is confusingly similar thereto, except in the case prescribed in the preceding two paragraphs.
- (4) Beyond what is provided for in the preceding paragraph, a registered operator must not affix to any article other than certificates pertaining to calibration, etc. of measuring instruments, a mark set forth in paragraph (1) or a mark that is confusingly similar thereto.

#### (Renewal of Registration)

Article 144-2 (1) The registration set forth in Article 143, paragraph (1) ceases to be effective upon the expiration of a period of not less than three years prescribed by Cabinet Order unless it is renewed, upon the end of the period, for another the period.

- (2) The provisions of Article 143 applies mutatis mutandis to the renewal of registration set forth in the preceding paragraph.

#### (Rescission of Registration)

Article 145 If a registered operator falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its registration:

- (i) the registered operator has become noncompliant with any of the items of Article 143, paragraph (2); and
- (ii) the registered operator has received a registration set forth in Article 143, paragraph (1) by wrongful means.

(Application Mutatis Mutandis)

Article 146 The provisions of Article 41, Article 65 and Article 66 apply mutatis mutandis to registered operators.

## **Chapter IX Miscellaneous Provisions**

(Collection of Report)

Article 147 (1) The Minister of Economy, Trade and Industry, the prefectural governor, or the head of a specified municipality may cause, to the extent necessary for the enforcement of this Act and pursuant to the provisions of Cabinet Order, a notifying manufacturing business operator, a notifying repair business operator, a person engaged in the business of sale of measuring instruments, a designated manufacturer, a special container importer, an import business operator, a certified measurer, a registered operator, or person who performs measurements in transactions or certifications (including those engaged in the sale of specified commodities sealed regarding the quantity of specified physical phenomena and packaged in a container or wrapping which indicates the quantity (hereinafter referred to as "specified commodities with quantity of phenomena indicated"); the same applies in paragraph (1) of the following Article) to report its business operations.

(2) The Minister of Economy, Trade and Industry may cause, to the extent necessary for the enforcement of this Act, a designated verification organization, a specified measurement certification accreditation organization, or a designated calibration organization to report its business or financial conditions.

(3) The prefectural governor or the head of a specified municipality may cause, to the extent necessary for the enforcement of this Act, a designated periodic inspection organization or a designated measurement certification inspection organization to report its business or financial conditions.

(On-Site Inspection)

Article 148 (1) The Minister of Economy, Trade and Industry, the prefectural governor, or the head of a specified municipality may cause, to the extent necessary for the enforcement of this Act, cause its officials to enter the factory,

workplace, business office, administrative office, place of business or warehouse of a notifying manufacturing business operator, a notifying repair business operator, a person engaged in the business of sales of measuring instruments, a designated manufacturer, a special container importer, an import business operator, a certified measurer, a registered business operator, or a person who performs measurements in transactions or certifications to inspect its measuring instruments, instruments, machines or equipment for inspecting measuring instruments, special containers, specified commodities with quantity of phenomena indicated, books, documents, and other materials, or to ask people concerned questions.

- (2) The Minister of Economy, Trade and Industry may cause, to the extent necessary for the enforcement of this Act, its officials to enter the administrative office or place of business of a designated verification organization, specified measurement certification accreditation organization, or designated calibration organization to inspect its business condition, books, documents, or other materials, or to ask people concerned questions.
- (3) The prefectural governor or the head of a specified municipality may cause, to the extent necessary for the enforcement of this Act, its officials to enter the administrative office or place of business of a designated periodic inspection organization or a designated measurement certification inspection organization to inspect its business condition, books, documents, or other materials, or to ask people concerned questions.
- (4) An official who enters and inspects pursuant to the provisions of the preceding three paragraphs must carry a certificate for identification and show it to the people concerned.
- (5) The authority pursuant to the provisions of paragraphs (1) through (3) must not be construed as being granted for the purposes of criminal investigation.

#### (Submission of Measuring Instruments)

- Article 149 (1) When the Minister of Economy, Trade and Industry, the prefectural governor, or the head of a specified municipality has caused its officials to make an inspection pursuant to the provisions of paragraph (1) of the preceding Article and there is a measuring instrument, special container, or specified commodity with quantity of phenomena indicated which the Minister, governor, or head finds is considerably difficult for the officials to inspect at the place in which the item is located, the Minister, governor, or head may that item's owner or possessor to submit the item within a specified period.
- (2) When the Minister of Economy, Trade and Industry has caused the AIST or the National Institute of Technology and Evaluation (hereinafter referred to as the "NITE") to make an inspection pursuant to the provisions of Article 168-3,

paragraph (1) or Article 168-6, paragraph (1) and there is a measuring instrument, special container, or specified commodity with quantity of phenomena indicated which the Minister finds is considerably difficult for the AIST or NITE to inspect at the place in which the item is located, the Minister may order the item's owner or possessor to submit the item within a specified period.

- (3) The State, the prefecture, or a specified municipality must compensate the owner or possessor for any loss arising out of an order issued pursuant to the provisions of the preceding two paragraphs.
- (4) The loss to be compensated pursuant to the provisions of the preceding paragraph is a loss which normally occurs in relation to an order set forth in paragraph (1) or (2).

(Erasure of Indication of Quantity of Specified Physical Phenomena)

Article 150 (1) When the prefectural governor or the head of a specified municipality has caused, pursuant to the provisions of Article 148, paragraph (1), its officials to make an inspection of a specified commodities with quantity of phenomena indicated pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and the error of the quantity of specified physical phenomena of the specified commodity exceeds the quantity tolerance, the minister may erase the indication of the quantity of specified physical phenomena.

- (2) If the prefectural governor or the head of a specified municipality makes a disposition pursuant to the provisions of the preceding paragraph, the governor or head must notify the owner or possessor of the specified commodities of the reasons for the disposition.

(Removal of Verification Mark)

Article 151 (1) When the Minister of Economy, Trade and Industry, the prefectural governor, or the head of a specified municipality has caused its officials to make an inspection, pursuant to the provisions of Article 148, paragraph (1), of a specified measuring instrument (excluding those prescribed by Cabinet Order set forth in Article 16, paragraph (1)) used for measurements in statutory measurement units for transactions or certifications, and the specified measuring instrument falls under any of the following items, the Minister, governor, or head may remove the verification mark, etc. affixed to the specified measuring instrument:

- (i) the specified measuring instrument's performance does not conform to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry;
- (ii) the specified measuring instrument's instrumental error exceeds the

- tolerance for use prescribed by Order of the Ministry of Economy, Trade and Industry; or
- (iii) in the case of specified measuring instruments prescribed by Cabinet Order set forth in Article 72, paragraph (2), the valid period of a verification mark, etc. affixed thereto has already expired.
- (2) The conformity to item (i) of the preceding paragraph is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry.
- (3) The conformity to paragraph (1), item (ii) is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry by using a legal standard reference instrument (for instrumental errors of a specified measuring instrument prescribed by Order of the Ministry of Economy, Trade and Industry set forth in Article 71, paragraph (3), a reference material prescribed by Order of the Ministry of Economy, Trade and Industry set forth in the same paragraph).
- (4) If the Minister of Economy, Trade and Industry, the prefectural governor, or the head of a specified municipality makes a disposition pursuant to the provisions of paragraph (1), the Minister, governor, or head must notify the owner or possessor of the specified measuring instrument of the reasons for the disposition.

(Removal of Matching Number)

- Article 152 (1) When the Minister of Economy, Trade and Industry has caused its officials to make an inspection, pursuant to the provisions of Article 148, paragraph (1), of an electric meter and a current transformer used therewith which are used for measurements in statutory measurement units for transactions or certifications, and the electric meter or transformer fall under any of the following items, the Minister may remove a matching number set forth in Article 74, paragraph (2) or (3) affixed thereto:
- (i) the structure and error of the current transformer do not conform to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; or
- (ii) the error of the electric meter, when used with the current transformer, exceeds the tolerance prescribed by Order of the Ministry of Economy, Trade and Industry.
- (2) The conformity to each of the items of the preceding paragraph is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry.
- (3) The provisions of paragraph (4) of the preceding Article applies mutatis mutandis to a disposition pursuant to the provisions of paragraph (1).

(Removal of Fitting Inspection Mark)

- Article 153 (1) When the Minister of Economy, Trade and Industry, the prefectural governor, or the head of a specified municipality has caused its officials to make an inspection, pursuant to the provisions of Article 148, paragraph (1), of a measuring instrument for fitting to vehicles, etc. fitted to machinery and used for measurements in statutory measurement units for transactions or certifications, and the measuring instrument for fitting to vehicles, etc. falls under any of the following items, the Minister, governor, or head may remove a fitting inspection mark set forth in Article 75, paragraph (2) affixed to the measuring instrument for fitting to vehicles, etc.:
- (i) the measuring instrument for fitting to vehicles, etc. does not conform to the technical standards prescribed by Order of the Ministry of Economy, Trade and Industry; and
  - (ii) the valid period of a fitting inspection mark set forth in Article 75, paragraph (2) has expired.
- (2) The conformity to item (i) of the preceding paragraph is to be determined by a method prescribed by Order of the Ministry of Economy, Trade and Industry.
- (3) The provisions of Article 151, paragraph (4) applies *mutatis mutandis* to a disposition pursuant to the provisions of paragraph (1).

(Removal of Verification Mark not by On-Site Inspection)

- Article 154 (1) Beyond what is provided for in Article 151, paragraph (1), the Minister of Economy, Trade and Industry, the prefectural governor, or the head of a specified municipality may remove a verification mark, etc. affixed to a specified measuring instrument prescribed by Cabinet Order and used for measurements in statutory measurement units for transactions or certifications if the measuring instrument falls under any of the items of the same paragraph.
- (2) Beyond what is provided for in Article 152, paragraph (1), the Minister of Economy, Trade and Industry may remove a matching number set forth in Article 74, paragraph (2) or (3) affixed to an electric meter and current transformer used therewith if the electric meter is used for measurements in statutory measurement units for transactions or certifications with the transformer and the electric meter or transformer falls under any of the items of Article 152, paragraph (1).
- (3) The provisions of Article 151, paragraphs (2) through (4) apply *mutatis mutandis* to the case of paragraph (1) of this Article and the provisions of Article 151, paragraph (4) and Article 152, paragraph (2) apply *mutatis mutandis* to the case of the preceding paragraph of this Article. In this case, the term "reasons" in Article 151, paragraph (4) is deemed to be replaced with "time of and reasons".

## Article 155 Deleted

### (Measurement Administration Council)

Article 156 (1) The Measurement Administration Council (hereinafter referred to as the "Council") is established within the Ministry of Economy, Trade and Industry.

- (2) The Council handles matters within the scope of its authority granted pursuant to the provisions of this Act.
- (3) The Council consists of one chairperson and nineteen or fewer council members who have relevant knowledge and experience appointed by the Minister of Economy, Trade and Industry.
- (4) Beyond what is provided for in the preceding paragraph, necessary matters pertaining to the organization and management of the Council are prescribed by Order of the Ministry of Economy, Trade and Industry.

### (Consultation with Council)

Article 157 The Minister of Economy, Trade and Industry must consult with the Council in the following cases:

- (i) the Minister intends to establish, amend or abolish a Cabinet Order set forth in Article (2), paragraph (1), item (ii) or (iv), Article 3, Article 4, paragraph (1) or (2), Article 5, paragraph(2), Article 12, paragraph (2), Article 13, paragraph (1), Article 16, paragraph (1), Article 51, paragraph (1), Article 53, paragraph (1), Article 57, paragraph (1) or Article 72, paragraph (2), a Cabinet Order specifying commodities set forth in Article 12, paragraph (1), or a Cabinet Order specifying specified measuring instruments set forth in Article 19, paragraph (1);
- (ii) the Minister intends to make a designation pursuant to the provisions of Article 134, paragraph (1) or (2) or to rescind the designation pursuant to the provisions of paragraph (3) or (4) of the same Article; and
- (iii) the Minister intends to implement calibration, etc. with specified standard instruments, etc. pursuant to the provisions of Article 135, paragraph (1), or cause Japan Electric Meters Inspection Corporation or a designated calibration organization to implement or abort the calibration

### (Fees)

Article 158 (1) The following persons (limited to those who intend to undertake procedures under the management of the Minister of Economy, Trade and Industry, AIST, NITE or Japan Electric Meters Inspection Corporation) must pay fees in an amount prescribed by Cabinet Order in consideration of the actual expenses; provided, however, this does not apply if the Minister of Economy, Trade and Industry, the prefectural governor, the head of a specified

municipality, Japan Electric Meters Inspection Corporation, a designated periodic inspection organization, a designated verification organization, or a designated measurement certification inspection organization undergoes an inspection of legal standard reference instruments with regard to a measuring instrument used for an inspection pursuant to the provisions of this Act or an order based on this Act:

- (i) a person who intends to obtain a designation set forth in Article 17, paragraph (1);
- (ii) a person who intends to undergo a verification test;
- (iii) a person who intends to undergo an inspection of an electric meter fitted with a current transformer;
- (iv) a person who intends to undergo a fitting inspection;
- (v) a person who intends to obtain approval set forth in Article 76, paragraph (1), Article 81, paragraph (1), or Article 89, paragraph (1) (excluding those who intend to obtain the approval with regard to a type of a specified measuring instrument which has passed a test set forth in Article 78, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 81, paragraph (2) or Article 89, paragraph (3)));
- (vi) a person who intends to obtain the renewal of an approval set forth in Article 83, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 89, paragraph (3); the same applies in paragraph 3);
- (vii) a person who intends to obtain a designation set forth in Article 16, paragraph (1), item (ii), (b);
- (viii) a person who intends to undergo an inspection set forth in Article 91, paragraph (2);
- (ix) a person who intends to undergo an inspection of legal standard reference instruments;
- (x) a person who intends to obtain an accreditation set forth in Article 121-2;
- (xi) a person who intends to obtain the renewal of an accreditation set forth in Article 121-4, paragraph (1);
- (xii) a person who intends to obtain a revision or reissuance of a registration certificate as a certified measurer;
- (xiii) a person who intends to request the issuance of a certified copy of a registry of certified measurers or inspection thereof
- (xiv) a person who intends to take the national certified measurer examination;
- (xv) a person who intends to receive a designation as an appropriate measurement control business place;
- (xvi) a person who intends to obtain registration set forth in Article 143, paragraph (1); and
- (xvii) a person who intends to renew a registration set forth in Article 144-2, paragraph (1).



- (2) A person who intends to undergo calibration, etc. using specified standard instruments must pay fees in an amount specified by the AIST, NITE, Japan Electric Meters Inspection Corporation, or a designated calibration organization and approved by the Minister of Economy, Trade and Industry within an amount not exceeding the actual cost.
- (3) The fees set forth in the preceding two paragraphs paid by a person who intends to undergo a verification test, an inspection of an electric meter fitted with a current transformer, or fitting inspection performed by the AIST, obtain approval set forth in Article 76, paragraph (1), Article 81, paragraph (1), or Article 89, paragraph (1) from the AIST, obtain the renewal of an approval set forth in Article 83, paragraph (1) from the AIST, or undergo an inspection of legal standard reference instruments or calibration, etc. using specified standard instruments performed by the AIST are the revenue of the AIST, those paid by a person who intends to obtain accreditation set forth in Article 121-2 from the NITE, obtain the renewal of an accreditation set forth in Article 121-4, paragraph (1) from the NITE, obtain registration set forth in Article 143, paragraph (1) from the NITE, obtain a renewal of registration set forth in Article 144-2, paragraph (1) from the NITE, or receive calibration, etc. using specified standard instruments performed by the NITE are the revenue of the NITE, those paid by a person who intends to undergo a verification test or an inspection of an electric meter fitted with a current transformer performed by Japan Electric Meters Inspection Corporation, obtain approval set forth in Article 76, paragraph (1), Article 81, paragraph (1), or Article 89, paragraph (1) from Japan Electric Meters Inspection Corporation, obtain renewal of an approval set forth in Article 83, paragraph (1) from Japan Electric Meters Inspection Corporation, or receive an inspection set forth in Article 91, paragraph (2), or an inspection of legal standard reference instruments or calibration, etc. using specified standard instruments performed by Japan Electric Meters Inspection Corporation are the revenue of Japan Electric Meters Inspection Corporation, those paid by a person who intends to receive calibration, etc. using specified standard instruments performed by a designated calibration organization are the revenue of the designated calibration organization, and those paid by other persons are the revenue of the national treasury.
- (4) When a prefecture or specified municipality collects fees pertaining to a periodic inspection or measurement certification inspection based on the provisions of Article 227 of the Local Government Act (Act No. 67 of 1947), it may cause a person who intends to receive a periodic inspection performed by a designated periodic inspection organization pursuant to the provisions of Article 20, paragraph (1) or a measurement certification inspection performed by a designated measurement certification inspection organization pursuant to

the provisions of Article 117, paragraph (1) to pay the fees to the designated periodic inspection organization or measurement certification inspection organization, pursuant to the provisions of Prefectural or Municipal Ordinance, and treat the fees as the revenue of the prefecture or specified municipality.

(Public Notice)

Article 159 (1) When the Minister of Economy, Trade and Industry takes any of the following actions, the Minister must give public notice of the action:

- (i) making a designation set forth in Article 16, paragraph (1), item (ii), (a);
- (ii) making a designation set forth in Article 16, paragraph (1), item (ii), (b);
- (iii) making a designation set forth in Article 17, paragraph (1);
- (iv) confirming that a designation, accreditation or registration has lost its effect pursuant to the provisions of Article 66 (including when applied *mutatis mutandis* pursuant to Article 69, paragraph (1), Article 100, Article 101, paragraph (3), Article 121-6 or Article 146), or rescinding a designation pursuant to the provisions of Article 67 (including when applied *mutatis mutandis* pursuant to Article 69, paragraph (1)), or Article 69, paragraph (2);
- (v) making an approval set forth in Article 76, paragraph (1), Article 81, paragraph (1), or Article 89, paragraph (1);
- (vi) confirming that an approval has lost its effect pursuant to the provisions of Article 87 (including when applied *mutatis mutandis* pursuant to Article 89, paragraph (4)), or rescinding an approval pursuant to the provisions of Article 88 (including when applied *mutatis mutandis* pursuant to Article 89, paragraph (4)) or Article 89, paragraph (5);
- (vii) rescinding a designation pursuant to the provisions of Article 99 (including when applied *mutatis mutandis* pursuant to Article 101, paragraph (3)) or Article 89, paragraph (5) as applied *mutatis mutandis* pursuant to Article 101, paragraph (3);
- (viii) receiving a notification submitted pursuant to the provisions of Article 106, paragraph (2) (including when applied *mutatis mutandis* pursuant to Article 121-10 or Article 142);
- (ix) receiving a notification submitted pursuant to the provisions of Article 32 as applied *mutatis mutandis* pursuant to Article 106, paragraph (3);
- (x) rescinding a designation or ordering the suspension of business of verification (including an inspection of an electric meter fitted with a current transformer, fitting inspection, test set forth in Article 78, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 81, paragraph (2) or Article 89, paragraph (3)) and examination set forth in Article 93, paragraph (1)), pursuant to the provisions of Article 38 as applied *mutatis mutandis* pursuant to Article 106, paragraph (3);
- (xi) making a designation set forth in Article 121-2;

- (xii) granting an accreditation set forth in Article 121-2;
  - (xiii) rescinding an accreditation pursuant to the provisions of Article 121-5;
  - (xiv) receiving a notification submitted pursuant to the provisions of Article 32 as applied mutatis mutandis pursuant to Article 121-10;
  - (xv) rescinding a designation or ordering the suspension of business of accreditation set forth in Article 121-2 pursuant to the provisions of Article 38 as applied mutatis mutandis pursuant to Article 121-10;
  - (xvi) making a designation pursuant to the provisions of Article 134, paragraph (1) or (2);
  - (xvii) rescinding a designation pursuant to the provisions of Article 134, paragraph (3) or (4);
  - (xviii) making a designation set forth in Article 135, paragraph (1);
  - (xix) rescinding a designation or ordering the suspension of business of calibration, etc. using specified standard instruments, pursuant to the provisions of Article 141;
  - (xx) receiving a notification submitted pursuant to the provisions of Article 32 as applied mutatis mutandis pursuant to Article 142;
  - (xxi) granting a registration set forth in Article 143, paragraph (1); or
  - (xxii) rescinding a registration pursuant to the provisions of Article 145.
- (2) When a prefectural governor takes any of the following actions, the governor must give public notice of the action:
- (i) making a designation set forth in Article 20, paragraph (1);
  - (ii) receiving a notification submitted pursuant to the provisions of Article 32 (including when applied mutatis mutandis pursuant to Article 121, paragraph (2));
  - (iii) rescinding a designation or ordering the suspension of business of periodic inspections or measurement certification inspections pursuant to the provisions of Article 38 (including when applied mutatis mutandis pursuant to Article 121, paragraph (2));
  - (iv) deciding to personally perform a periodic inspection or measurement certification inspection in whole or in part by pursuant to the provisions of Article 39, paragraph (1) (including when applied mutatis mutandis pursuant to Article 121, paragraph (2)); or
  - (v) making a designation set forth in Article 117, paragraph (1).
- (3) When the head of a specified municipality takes any of the following actions, the head must give public notice of the action:
- (i) making a designation set forth in Article 20, paragraph (1);
  - (ii) receiving a notification submitted pursuant to the provisions of Article 32;
  - (iii) rescinding a designation or ordering the suspension of business of periodic inspections, pursuant to the provisions of Article 38; or
  - (iv) deciding to personally perform a periodic inspection in whole or in part,

- pursuant to the provisions of Article 39, paragraph (1).
- (4) When Japan Electric Meters Inspection Corporation grants an approval set forth in Article 76, paragraph (1), Article 81, paragraph (1), or Article 89, paragraph (1), it must give a public notice of that fact.

(Due Date for Verification)

- Article 160 (1) Upon receiving an application for a verification test, inspection of an electric meter fitted with a current transformer, fitting inspection, inspection of legal standard reference instruments, or approval set forth in Article 76, paragraph (1), Article 81, paragraph (1) or Article 89, paragraph (1), the Minister of Economy, Trade and Industry, the prefectural governor, the Japan Electric Meters Inspection Corporation, or a designated verification organization must make a disposition of pass or fail, or of approval or disapproval within a period prescribed by Order of the Ministry of Economy, Trade and Industry.
- (2) When a designated verification organization is requested to perform a test set forth in Article 78, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 81, paragraph (2) or Article 89, paragraph (3)), it must make a determination of pass or fail within a period prescribed by Order of the Ministry of Economy, Trade and Industry.

(Notification of Reason for Determination of Failure)

- Article 161 In the case of paragraph (2) of the preceding Article, if a designated verification organization makes a determination of fail, it must notify the person who requested the implementation of the test of the reasons therefor.

(Special Provisions concerning Hearing)

- Article 162 (1) If the Minister of Economy, Trade and Industry or the prefectural governor intends to issue an order pursuant to the provisions of Article 113 or Article 123, the Minister must have a hearing, notwithstanding the classification of procedures for the statement of opinions pursuant to the provisions of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).
- (2) Proceedings on the date of the hearing pertaining to the disposition pursuant to the provisions of Article 38, (including when applied *mutatis mutandis* pursuant to Article 106, paragraph (3), Article 121, paragraph (2) or Article 121-10), Article 67 (including when applied *mutatis mutandis* pursuant to Article 69, paragraph (1)), Article 69, paragraph (2), Article 88 (including when applied *mutatis mutandis* pursuant to Article 89, paragraph (4)), Article 89, paragraph (5) (including when applied *mutatis mutandis* pursuant to Article 101, paragraph (3)), Article 99 (including when applied *mutatis mutandis*

pursuant to Article 101, paragraph (3)), Article 113, Article 121-5, Article 123, Article 132, Article 141, or Article 145 must be open to the public.

- (3) When an interested person pertaining to a relevant disposition requests to participate in the proceedings of a hearing set forth in the preceding paragraph pursuant to the provisions of Article 17, paragraph (1) of the Administrative Procedure Act, the person responsible for the hearing must grant the interested person permission.

(Examination Agency)

Article 163 (1) A person dissatisfied with a disposition or inaction pursuant to the provisions of this Act or an order based on this Act by the AIST, NITE, Japan Electric Meters Inspection Corporation, a designated verification organization, a specified measurement certification accreditation organization, or a designated calibration organization may submit a request for administrative review to the Minister of Economy, Trade and Industry. In this case, with regard to the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), and Article 49, paragraph (3) of the Administrative Appeal Act (Act No. 68 of 2014), the Minister of Economy, Trade and Industry is deemed to be the higher administrative agency of the AIST, NITE, Japan Electric Meters Inspection Corporation, a designated verification organization, a specified measurement cortication accreditation organization, or a designated calibration organization.

- (2) A person dissatisfied with a disposition or inaction pursuant to the provisions of this Act or an order based on this Act by a designated periodic inspection organization or designated measurement certification inspection organization may submit a request for administrative review with the prefectural governor or head of the specified municipality that gave the designation. In this case, with regard to the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), and Article 49, paragraph (3) of the Administrative Appeal Act, the prefectural governor or head of the specified municipality is deemed to be the higher administrative agency of the designated periodic inspection organization or designated measurement certification inspection organization.

(Hearing of Opinions in Procedures of Request for Administrative Review)

Article 164 (1) A determination on a request for administrative review with regard to a disposition or inaction pursuant to the provisions of this Act or an order based on this Act must be made after the review officer prescribed in Article 11, paragraph (2) of the Administrative Appeal Act has heard opinions in public, following advance notice of a reasonable period to the requester of the administrative review, except when the request for administrative review

is dismissed pursuant to Article 24 of the same Act.

- (2) When hearing opinions as set forth in the preceding paragraph, an opportunity to present evidence or state opinions concerning the subject matters must be given to the requester of the administrative review and interested persons.
- (3) The provisions of Article 31 of the Administrative Appeal Act do not apply to a request for administrative review prescribed in paragraph (1), and the provisions of paragraphs (2) through (5) of the same Article apply *mutatis mutandis* to a hearing of opinions under paragraph (1).

#### (Measurement Investigator)

Article 165 The Minister of Economy, Trade and Industry is to appoint, from among its officials with qualifications prescribed by Order of the Ministry of Economy, Trade and Industry, measurement investigators and cause them to engage in affairs pertaining to requests for administrative reviews. In this case, with regard to the application of Article 9, paragraph (1) of the Administrative Appeal Act, the phrase "official who belongs to the reviewing agency (if the list prescribed in Article 17 is prepared, a person indicated on the list)" is deemed to be replaced with the "measurement investigator".

#### (Measurement Training)

- Article 166 (1) The AIST offers measurement training for officials who engage in affairs pertaining to measurements in the Ministry of Economy, Technology and Industry, prefectures, municipalities, designated periodic inspection organizations, designated verification organizations, designated measurement certification inspection organizations, specified measurement certification accreditation organizations, and designated calibration organizations, as well as for persons who intend to become certified measurers, in order for them to acquire necessary skills and practical experience.
- (2) Beyond what is provided for in the preceding paragraph, necessary matters concerning measurement training set forth in the same paragraph are prescribed by Order of the Ministry of Economy, Trade and Industry.

#### (Lending of Verification Tools)

Article 167 The Minister of Economy, Trade and Industry must lend without charge tools necessary for periodic inspections, verification, fitting inspections, inspection of legal standard reference instruments, measurement certification inspections, or inspections pursuant to the provisions of Article 148, paragraph (1) and prescribed by Order of the Ministry of Economy, Trade and Industry (excluding those subject to the application of the National Property Act (Act No. 73 of 1948) to a prefectural governor or the head of a specified municipality.

(Transitional Measures)

Article 168 In the case of enacting, amending or abolishing an order based on the provisions of this Act, required transitional measures (including transitional measures pertaining to penal provisions) may be prescribed by the order to the extent deemed reasonably necessary to enact, amend or abolish the order.

(Affairs to be Handled by AIST)

Article 168-2 The Minister of Economy, Trade and Industry is to have the AIST perform the following affairs:

- (i) affairs pertaining to verifications pursuant to the provisions of Article 16, paragraph (1), item (ii), (a) (excluding those pertaining to the designation of a designated verification organization);
- (ii) affairs pertaining to inspections of electric meters fitted with a current transformer pursuant to the provisions of Article 16, paragraph (2);
- (iii) affairs pertaining to fitting inspections pursuant to the provisions of Article 16, paragraph (3);
- (iv) affairs pertaining to verifications, inspections of electric meters fitted with a current transformer, and fitting inspections pursuant to the provisions of Chapter V, Section 1;
- (v) affairs pertaining to type approvals pursuant to the provisions of Chapter V, Section 2 (excluding Article 86 and Article 88 (including when applied mutatis mutandis pursuant to Article 89, paragraph (4)));
- (vi) affairs pertaining to inspections of legal standard reference instruments pursuant to the provisions of Chapter V, Section 4;
- (vii) affairs pertaining to calibration, etc. using specified standard instruments pursuant to the provisions of Articles 135 through 137 (excluding those pertaining to the designation of a designated calibration organization);
- (viii) affairs pertaining to public notices pursuant to the provisions of Article 159, paragraph (1) (limited to those pertaining to item (v) of the same paragraph); and
- (ix) affairs pertaining to comparative inspections pursuant to the provisions of Article 20 of the supplementary provisions.

(On-Site Inspection by AIST)

Article 168-3 (1) If the Minister of Economy, Trade and Industry finds it necessary, the Minister may have the AIST perform an on-site inspection pursuant to the provisions of Article 148, paragraph (1) or (2).

(2) When the Minister of Economy, Trade and Industry has the AIST perform an on-site inspection pursuant to the provisions of the preceding paragraph, the

Minister is to instruct the AIST to perform the inspection by showing the AIST the location of the on-site inspection and other necessary matters.

- (3) When the AIST implements an on-site inspection prescribed in paragraph (1) in accordance with the instructions set forth in the preceding paragraph, it must report the results of the inspection to the Minister of Economy, Trade and Industry.
- (4) AIST officials who perform an on-site inspection pursuant to the provisions of paragraph (1) must carry a certificate for identification and show it to the people concerned.

(Order to AIST)

Article 168-4 If the Minister of Economy, Trade and Industry finds it necessary to ensure the appropriate execution of an on-site inspection prescribed in paragraph (1) of the preceding Article, the Minister may issue an order necessary for the service to the AIST.

(Affairs to be Handled by NITE)

Article 168-5 The Minister of Economy, Trade and Industry is to have the NITE handle the following affairs:

- (i) affairs pertaining to accreditation pursuant to the provisions of Article 121-2;
- (ii) affairs pertaining to the renewal of an accreditation pursuant to the provisions of Article 121-4, paragraph (1);
- (iii) affairs pertaining to calibration, etc. using specified standard instruments pursuant to the provisions of Articles 135 through 137 (excluding those pertaining to the designation of a designated calibration organization);
- (iv) affairs pertaining to calibration, etc. using an instrument other than specified standard instruments pursuant to the provisions of Chapter VIII, Section 2;
- (v) affairs pertaining to the collection of reports pursuant to the provisions of Article 147, paragraph (1) (limited to those pertaining to registered operators);
- (vi) affairs pertaining to on-site inspections pursuant to the provisions of Article 148, paragraph (1) (limited to those pertaining to registered operators); and
- (vii) affairs pertaining to public notices pursuant to the provisions of Article 159, paragraph (1) (limited to those pertaining to item (iv) (limited to the part pertaining to the confirmation of the loss of effect of registration pursuant to the provisions of Article 66 as applied mutatis mutandis pursuant to Article 146), item (xii), item (xxi) and item (xxii) of the same paragraph).



(On-Site Inspection by NITE)

Article 168-6 (1) If the Minister of Economy, Trade and Industry finds it necessary, the Minister may have the NITE perform an on-site inspection pursuant to the provisions of Article 148, paragraph (1) or (2).

(2) The provisions of Article 168-3, paragraphs (2) through (4) apply *mutatis mutandis* to on-site inspections to be implemented by the NITE.

(Order to NITE)

Article 168-7 If the Minister of Economy, Trade and Industry finds it necessary in order to ensure appropriate execution of the operations prescribed by Article 168-5 (limited to the part pertaining to Article 145, Article 147, paragraph (1), and Article 148, paragraph (1)) and paragraph (1) of the preceding Article, the Minister may issue an order necessary for the operations to the NITE.

(Affairs to be Handled by Prefectures)

Article 168-8 Part of affairs falling under the authority of the Ministry of Economy, Trade and Industry prescribed in this Act may be implemented by the prefectural governor, pursuant to the provisions of Cabinet Order.

(Delegation of Authority)

Article 169 The Minister of Economy, Trade and Industry may have the head of the Bureau of Economy, Trade and Industry implement matters that are placed under the Minister's authority by the provisions of this Act, pursuant to the provisions of Cabinet Order.

(Classifications of Affairs)

Article 169-2 (1) The affairs to be handled by prefectures pursuant to the provisions of Article 40, paragraph (2) (including when applied *mutatis mutandis* pursuant to Article 42, paragraph (3), Article 45, paragraph (2), and Article 100), Article 91, paragraphs (2) and (3), and Article 127, paragraphs (2) through (4) (with regard to affairs prescribed in Article 127, paragraphs (2) through (4), limited to those prescribed by Cabinet Order) fall under the Type-1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Government Act.

(2) The affairs to be handled by a specified municipality pursuant to the provisions of Article 127, paragraphs (2) through (4) (limited to those prescribed by Cabinet Order) fall under the Type-1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Government Act.

## Chapter X Penal Provisions

Article 170 A person who falls under any of the following items is subject to punishment by imprisonment for not more than one year or a fine of not more than 1,000,000 yen, or both:

- (i) the person has violated the provisions of Article 57, paragraph (1) or (2), or Article 107; or
- (ii) the person has violated an order issued pursuant to the provisions of Article 113.

Article 171 If a designated periodic inspection organization, designated verification organization, designated measurement certification inspection organization, specified measurement certification accreditation organization, or a designated calibration organization violates a business suspension order issued pursuant to the provisions of Article 38 (including when applied *mutatis mutandis* pursuant to Article 106, paragraph (3), Article 121, paragraph (2) or Article 121-10) or Article 141, the officers or employees of the organization who committed the violation are subject to punishment by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

Article 172 A person who falls under any of the following items is subject to punishment by imprisonment for not more than six months or a fine of not more than 500,000 yen, or both:

- (i) the person has violated any of the provisions of Article 16, paragraphs (1) through (3), Article 17, paragraph (2), Article 49, paragraph (1) or (3), Article 68, Article 97, paragraph (2), or Article 116, paragraph (1) or (2); or
- (ii) the person has affixed an indication in violation of the provisions of Article 63, paragraph (3), Article 84, paragraph (3), or Article 97, paragraph (1).

Article 173 A person who falls under any of the following items is subject to punishment by a fine of not more than 500,000 yen:

- (i) a person has violated any of the provisions of Article 8, paragraph (1) or (2), Article 9, paragraph (1), Article 18, Article 19, paragraph (1) or (2), Article 49, paragraph (2), Article 63, paragraph (2), Article 85, or Article 124;
- (ii) the person has violated an order issued pursuant to the provisions of Article 15, paragraph (3), Article 56, Article 64, Article 86, Article 98, Article 111, Article 123, or Article 131;
- (iii) the person is a certified measurer who has stated on a certificate that the person conforms to each item of Article 23, paragraph (1) in violation of Article 25, paragraph (3) (including when applied *mutatis mutandis* pursuant to Article 120, paragraph (2));

- (iv) the person has affixed an indication in violation of the provisions of Article 50, paragraph (3) or Article 54, paragraph (3);
- (v) the person has failed to affix an indication in violation of the provisions of Article 54, paragraph (1);
- (vi) the person has sold or displayed for sale a specified measuring instrument in violation of the provisions of Article 55;
- (vii) the person has failed to perform an inspection, failed to prepare an inspection record, prepared a false inspection record, or failed to keep an inspection record in violation of the provisions of Article 95, paragraph (2);
- (viii) the person has affixed a mark in violation of the provisions of Article 110-2, paragraph (2), Article 121-3, paragraph (2), Article 136, paragraph (2), or Article 144, paragraph (3);
- (ix) the person has failed to describe the result of an inspection, described a false result of an inspection, or failed to keep an inspection record book in violation of the provisions of Article 129; or
- (x) the person has displayed a sign in violation of the provisions of Article 130, paragraph (2).

Article 174 A person who falls under any of the following items is subject to punishment by a fine of not more than 300,000 yen:

- (i) the person has violated the provisions of Article 40, paragraph (1), Article 46, paragraph (1), or Article 51, paragraph (1); or
- (ii) the person has violated an order issued pursuant to the provisions of Article 44, Article 48, or Article 52, paragraph (4).

Article 175 A person who falls under any of the following items is subject to punishment by a fine of not more than 200,000 yen:

- (i) the person has failed to submit a notification pursuant to the provisions of Article 110, paragraph (1), or submitted a false notification;
- (ii) the person has failed to submit a report pursuant to the provisions of Article 147, paragraph (1), or submitted a false report;
- (iii) the person has refused, obstructed, or evaded an inspection pursuant to the provisions of Article 148, paragraph (1), or failed to answer or given a false answer to a question asked pursuant to the provisions of the same paragraph;
- (iv) the person has violated an order issued pursuant to the provisions of Article 149 paragraph (1) or (2); or
- (v) the person has refused, obstructed, or evaded a disposition pursuant to the provisions of Article 150, paragraph (1), Article 151, paragraph (1), Article 152, paragraph (1), or Article 153, paragraph (1).

Article 176 If a designated periodic inspection organization, designated verification organization, designated measurement certification inspection organization, specified measurement certification accreditation organization, or a designated calibration organization commits any of the violations listed in the following items, the officers or employees of the organization who committed the violation are subject to punishment by a fine of not more than 200,000 yen:

- (i) failing to state the matters prescribed in the provisions of Article 31 (including when applied *mutatis mutandis* pursuant to Article 106, paragraph (3), Article 121, paragraph (2), Article 121-10, or Article 142), making a false statement, or failing to keep books in violation of the provisions of Article 31;
- (ii) failing to submit a notification pursuant to the provisions of Article 32 (including when applied *mutatis mutandis* pursuant to Article 106, paragraph (3), Article 121, paragraph (2), Article 121-10, or Article 142), or submitting a false notification;
- (iii) failing to submit a report pursuant to the provisions of Article 147, paragraph (2) or (3), or submitting a false report; or
- (iv) refusing, obstructing, or evading an inspection pursuant to the provisions of Article 148, paragraph (2) or (3), or failing to answer or giving a false answer to a questions asked pursuant to these provisions.

Article 177 If a representative of a corporation, or an agent, employee or other worker of a corporation or an individual commits a violation prescribed in any of the provisions of Article 170 and Articles 172 through 175 with regard to the business of the corporation or individual, not only the offender, but also the corporation or individual is subject to punishment by a fine prescribed in the respective Article.

Article 178 A person who fails to submit a notification pursuant to the provisions of Article 62, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 114 or Article 133), Article 79, paragraph (1) (including when applied *mutatis mutandis* pursuant to Article 81, paragraph (3)), or Article 94, paragraph (1), or submits a false notification is subject to punishment by a non-penal fine of not more than 200,000 yen.

Article 179 If the AIST or the NITE violates an order issued pursuant to the provisions of Article 168-4 or Article 168-7, the officers of the AIST or the NITE who committed the violation are subject to punishment by a non-penal fine of not more than 200,000 yen.

Article 180 A person who fails to submit a notification pursuant to the provisions of Article 42, paragraph (1) (including when applied mutatis mutandis pursuant to Article 46, paragraph (2), or Article 51, paragraph (2)), Article 45, paragraph (1) (including when applied mutatis mutandis pursuant to Article 46, paragraph (2), or Article 51, paragraph (2)), or Article 65 (including when applied mutatis mutandis pursuant to Article 114, Article 121-6, Article 133, or Article 146), or submitted a false notification is subject to punishment by a non-penal fine of not more than 100,000 yen.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of a date prescribed by Cabinet Order within a period not exceeding one year and six months from the day of promulgation.

(Abolishment of Act for Enforcement of the Measurement Act)

Article 2 The Act for Enforcement of the Measurement Act (Act No. 208 of 1951; hereinafter referred to as the "Old Act for Enforcement") is abolished.

(Measurement Units)

Article 3 (1) The measurement units listed in the right column of appended table 1 of the supplementary provisions and their decimal multiples prescribed by Cabinet Order are deemed to be the statutory measurement units of the quantity of the state of the physical phenomena listed in the left column of the same table set forth in Article 8, paragraph (1) of the revised Measurement Act (hereinafter referred to as the "New Act") until September 30, 1995 (the statutory measurement prescribed in the above units are hereinafter simply referred to as "statutory measurement units").

(2) The measurement units listed in the right column of appended table 2 of the supplementary provisions and their decimal multiples prescribed by Cabinet Order are deemed to be the statutory measurement units of the quantity of the state of the physical phenomena listed in the left column of the same table until September 30, 1997.

(3) The measurement units listed in the right column of appended table 3 of the supplementary provisions and their decimal multiples prescribed by Cabinet Order, are deemed to be the statutory measurement units of the quantity of the state of the physical phenomena listed in the left column of the same table until September 30, 1999.

(4) The definitions of the measurement units prescribed in the preceding three paragraphs are prescribed by Cabinet Order.

- Article 4 (1) The measurement units prescribed in paragraphs (1) through (3) of the preceding Article may be deemed to be the statutory measurement units by Cabinet Order even after the date prescribed in each of these provisions.
- (2) In the case of the preceding paragraph, Cabinet Order must specify the effective period during which the measurement units are deemed to be the statutory measurement units, the scope of transactions and certifications in which the measurement units may be used as the statutory measurement units, and how to use the measurement units as the statutory measurement units.

(Measurement Units in the Imperial System)

- Article 5 (1) The measurement units in the Imperial system and their definitions are prescribed by Cabinet Order.
- (2) Until otherwise provided for by law, the statutory measurement units in the Imperial system prescribed by Cabinet Order set forth in the preceding paragraph are deemed to be the statutory measurement units for the time being when they are used for the purposes of the following transactions or certifications:
- (i) transactions or certifications pertaining to the operation of aircraft or to other aviation matters prescribed by Cabinet Order; and
  - (ii) transactions or certifications pertaining to an imported commodity prescribed by Cabinet Order with its quantity of the state of the physical phenomena indicated in measurement units in the Imperial system prescribed by Cabinet Order set forth in the preceding paragraph.

(French Horsepower)

- Article 6 (1) Until otherwise provided for by law, the French horsepower is deemed to be the statutory measurement unit for power when it is used for transactions or certifications pertaining to an internal combustion engine or other transactions or certifications prescribed by Cabinet Order.
- (2) The definition of the French horsepower is prescribed by Cabinet Order.

(Symbols)

- Article 7 The symbols of the measurement units prescribed in the provisions of Article 3, paragraphs (1) through (3), Article 5, paragraph (1), and paragraph (1) of the preceding Article of the supplementary provisions that are to be standard symbols of measurement units are prescribed by Order of the Ministry of Economy, Trade and Industry.

(Indication of Measurement Units)

- Article 8 (1) An indication using a measurement unit prescribed in the

provisions of Article 3, paragraphs (1) through (3) of the supplementary provisions that is stated on a document or affixed to a commodity or other object on or before the effective date of the measurement unit prescribed in these provisions may be used for the purposes of transactions or certifications even after the effective date notwithstanding the provisions of Article 8, paragraph (1) of the New Act.

- (2) A measurement instrument prescribed in paragraph (1) of the following Article may be used for measurements prescribed by Cabinet Order set forth in Article 2, paragraph (3) of the New Act even after the effective date of the measurement unit prescribed in Article 3, paragraphs (1) through (3) of the supplementary provisions notwithstanding the provisions of Article 8, paragraph (1) of the New Act.
- (3) An indication of a measurement unit prescribed in Article 4, Article 5, Article 7, Article 8, Article 9, paragraph (1), or Article 10, paragraph (1) of the Old Act for Enforcement that is stated on a document or affixed to a commodity or other object on or before the effective date of the measurement unit prescribed in Article 3, Article 6, paragraph (1), Article 9, paragraph (1), or Article 10, paragraph (1) of the Old Act for Enforcement may be used for the purposes of transactions or certifications even after the effective date notwithstanding the provisions of Article 8, paragraph (1) of the New Act.

#### (Measuring Instruments)

- Article 9 (1) The provisions of Article 9, paragraph (1) of the New Act does not apply to a measuring instrument with a scale or indication using a measurement unit prescribed in Article 3, paragraphs (1) through (3) of the supplementary provisions if the scale or indication is affixed to the measuring instrument on or before the effective date of the measurement unit prescribed in Article 3, paragraphs (1) through (3) of the supplementary provisions.
- (2) Until otherwise provided for by law, the provisions of Article 9, paragraph (1) of the New Act does not apply to a measuring instrument with a scale or indication prescribed by Cabinet Order and using a measurement unit prescribed in Article 5, paragraph (1) or Article 6, paragraph (1) of the supplementary provisions.

#### (Periodic Inspection)

- Article 10 (1) With regard to the application of Article 19, paragraph (1) of the New Act to a periodic inspection set forth in the same paragraph to be performed in the year to which the enforcement date of this Act (hereinafter referred to as the "enforcement date") belongs, the term "verification mark, etc.)" in item (iii) of the same paragraph is deemed to be replaced with "verification mark, etc.), and a specified measuring instrument affixed with the

inspection mark set forth in Article 136, or Article 151 of the Measurement Act (Act No. 207 of 1951; hereinafter referred to as the "Old Act") or the periodic inspection mark set forth in Article 146 of the Old Act, bearing figures indicating the year in which the periodic inspection is performed."

- (2) With regard to the criteria for passing a periodic inspection for which public notification of the date and place was given prior to the enforcement date pursuant to the provisions of Article 143 of the Measurement Act prior to the revision (hereinafter referred to as the "Old Act") and which is scheduled to be implemented on or after the enforcement date, the provisions then in force remain applicable.

(Business of Manufacturing)

Article 11 A person who has received a registration set forth in Article 13 of the Old Act at the time of enforcement of this Act is deemed to have submitted a notification on the enforcement date pursuant to the provisions of Article 40, paragraph (1) of the New Act with regard to the business classification prescribed by Order of the Ministry of International Trade and Industry set forth in Article 40, paragraph (1) of the New Act to which a specified measuring instrument belonging to the business classification prescribed by Order of the Ministry of International Trade and Industry set forth in Article 13 of the Old Act pertaining to the registration belongs.

(Business of Repairing)

Article 12 A person who has received, at the time of enforcement of this Act, a registration set forth in Article 31 of the Old Act is deemed to have submitted a notification on the enforcement date pursuant to the provisions of Article 46, paragraph (1) of the New Act with regard to the business classification prescribed by Order of the Ministry of International Trade and Industry set forth in Article 46, paragraph (1) of the New Act to which a specified measuring instrument belonging to the business classification prescribed by Order of the Ministry of International Trade and Industry set forth in Article 31 of the Old Act pertaining to the registration belongs.

(Business of Selling)

Article 13 (1) A person who has received, at the time of enforcement of this Act, a registration set forth in Article 47, paragraph (1) of the Old Act is deemed to have submitted a notification pursuant to the provisions of Article 51, paragraph (1) of the New Act with regard to the business classification prescribed by Order of the Ministry of International Trade and Industry set forth in Article 51, paragraph (1) of the New Act to which a specified measuring instrument belonging to the business classification prescribed by



Order of the Ministry of International Trade and Industry set forth in Article 47, paragraph (1) of the Old Act pertaining to the registration belongs.

- (2) The provisions of Article 51, paragraph (1) of the New Act does not apply to the business of the sale of specified measuring instruments to which notifications pursuant to the provisions of Article 47, paragraph (2) of the Old Act and submitted prior to the enforcement date pertain.

(Application for Verification)

Article 14 (1) With regard to the disposition of pass or fail pertaining to an application submitted prior to the enforcement date for verification set forth in Article 86 of the Old Act or for an inspection of legal standard reference instruments set forth in Article 106 of the Old Act which has not yet been made at the time of enforcement of this Act, and the disposition of whether an approval, a registration or a designation is granted or refused pertaining to an application submitted prior to the enforcement date for an approval set forth in Article 95, Article 96-3, paragraph (1), or Article 96-10-2, paragraph (1) of the Old Act, for a registration set forth in Article 123 of the Old Act, or for a designation set forth in Article 173, Article 181-2, or Article 181-10-2, paragraph (1) of the Old Act which has not yet been made at the time of enforcement of this Act, the provisions then in force remain applicable.

- (2) With regard to the determination of pass or fail pertaining to an application submitted prior to the enforcement date for a test set forth in Article 96-2, paragraph (1), Article 96-3, paragraph (2), or Article 96-10-2, paragraph (2) of the Old Act which has not yet been made at the time of enforcement of this Act, the provisions then in force remain applicable.

(Verification Mark)

Article 15 (1) A verification mark affixed pursuant to the provisions of Article 91, paragraph (1) of the Old Act is deemed to be a verification mark set forth in Article 72, paragraph (1) of the New Act. In this case, the valid period of the verification mark set forth in Article 91, paragraph (1) of the Old Act affixed to a specified measuring instrument prescribed by Cabinet Order set forth in Article 72, paragraph (2) of the New Act lasts until the expiration date of the valid period set forth in Article 91, paragraph (2) of the Old Act indicated on the verification mark.

- (2) With regard to the application of Article 71, paragraph (2) of the New Act to a specified measuring instrument prescribed by Cabinet Order set forth in Article 50, paragraph (1) of the New Act affixed with a type approval number set forth in Article 96-6, paragraph (1), or Article 96-10-3, paragraph (1) of the Old Act which is deemed, pursuant to the provisions of Article 29, paragraph (2) of the supplementary provisions, to be an indication set forth in Article 84,

paragraph (1) of the New Act (including when applied mutatis mutandis pursuant to Article 89, paragraph (4) of the New Act), the term "from the time the indication set forth in Article 84, paragraph (1) was affixed thereto" in Article 71, paragraph (2) of the New Act is deemed to be replaced with "from the implementation date of this Act".

(Matching Number)

Article 16 A matching number affixed to an electric meter and a current transformer used therewith pursuant to the provisions of Article 91, paragraph (4) of the Old Act is deemed to be a matching number set forth in Article 74, paragraph (2) or (3) of the New Act.

(Fitting Inspection)

Article 17 The provisions of Article 16, paragraph (3) of the New Act does not apply to a measuring instrument for fitting to vehicles, etc. affixed with a verification mark set forth in Article 91, paragraph (1) of the Old Act which is deemed, pursuant to the provisions of Article 15, paragraph (1) of the supplementary provisions, to be a verification mark set forth in Article 72, paragraph (1) of the New Act, until the expiration date of the valid period of the verification mark.

(Type Approval)

Article 18 (1) A person who has received, at the time of enforcement of this Act, an approval set forth in Article 95, Article 96-3, paragraph (1), or Article 96-10-2, paragraph (1) of the Old Act (including those who are deemed, pursuant to the provisions of Article 14 of the supplementary provisions of the Act Partially Revising the Measurement Act (Act No. 112 of 1966), to have obtained the approval pursuant to the provisions of the Old Act) is deemed to have obtained an approval set forth in Article 76, paragraph (1), Article 81, paragraph (1), or Article 89, paragraph (1) of the New Act with regard to the approved type on the enforcement date.

(2) With regard to the application of the proviso to Article 80 or the proviso to Article 82 of the New Act to a person who is deemed, pursuant to the provisions of the preceding paragraph, to have obtained approval set forth in Article 76, paragraph (1) or Article 81, paragraph (1) of the New Act, the term "in advance" in the provisos is deemed to be replaced with "within sixty days from the implementation date of this Act".

(Designated Manufacturing Business Operator)

Article 19 (1) A designation set forth in Article 16, paragraph (1), item (ii), (b) of the New Act is made for each business classification prescribed by Order of the

Ministry of International Trade and Industry set forth in Article 40, paragraph (1) of the New Act after a date prescribed by Cabinet Order, in consideration of the status of quality control pertaining to the manufacturing of specified measuring instruments

- (2) The date prescribed by the Cabinet Order set forth in the preceding paragraph must not exceed five years from the enforcement date.

(Comparative Inspection)

Article 20 (1) Until otherwise provided by law, the Minister of Economy, Trade and Industry may implement a comparative inspection of specified measuring instruments prescribed by Cabinet Order.

- (2) When the Minister of Economy, Trade and Industry implements a comparative inspection pursuant to the provisions of the preceding paragraph, the provisions of Article 99 (excluding paragraph (1), item (i)), Article 101, paragraph (1), Article 102, and Article 104 of the Old Act remain in force with regard to the comparative inspection. In this case, the term "Order of the Ministry of International Trade and Industry" in Article 99, paragraph (1), item (ii) of the Old Act is deemed to be replaced with " Order of the Ministry of Economy, Trade and Industry", the term "Cabinet Order" in item (iii) of the same paragraph is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry", the term " Order of the Ministry of International Trade and Industry" in paragraphs (2) and (3) of the same Article is deemed to be replaced with "Order of the Ministry of Economy, Trade and Industry", and the term "Article 88, paragraph (1), items (i) through (iii)" in Article 104, paragraph (1) of the Old Act is deemed to be replaced with "Article 88, paragraph (1), items (ii) and (iii)."
- (3) The provisions of Article 160, paragraph (1) of the New Act applies *mutatis mutandis* to comparative inspections.
- (4) With regard to the application of Article 16, paragraph (1), Article 49, paragraph (1), Article 72, paragraph (4), Article 118, paragraph (1), Article 119, paragraph (3), and Article 151, paragraph (1) of the New Act, comparative inspection marks affixed pursuant to the provisions of Article 101, paragraph (1) of the Old Act prior to the enforcement date (limited to those the valid period of which has not yet expired) as well as comparative inspection marks affixed pursuant to the provisions of Article 101, paragraph (1) of the Old Act which, pursuant to the provisions of paragraph (2) of this Article, are deemed to remain valid on and after the enforcement date are deemed to be verification marks set forth in Article 72, paragraph (1) of the New Act.
- (5) A person who intends to receive a comparative inspection set forth in paragraph (1) must pay the amount of fees prescribed, in consideration of the actual expenses, by Cabinet Order.

(Inspection of Legal Standard Reference Instruments)

Article 21 A legal standard reference instrument inspection mark affixed pursuant to the provisions of Article 109 of the Old Act is deemed to be a legal standard reference instrument inspection mark set forth in Article 104, paragraph (1) of the New Act. In this case, the valid period of the legal standard reference instrument inspection mark lasts until the expiration date of the valid period set forth in Article 108 of the Old Act.

(Measurement Certification Business)

Article 22 (1) A person who has received, at the time of enforcement of this Act, a registration set forth in Article 123 of the Old Act is deemed to have received a registration set forth in Article 107 of the New Act on the enforcement date with regard to the business classification prescribed by Order of the Ministry of International Trade and Industry set forth in Article 107 of the New Act to which the business belonging to the registered business classification prescribed by Order of the Ministry of International Trade and Industry set forth in Article 123 of the Old Act belongs.

(2) With regard to the application of Article 116, paragraph (1) of the New Act to a person who has received a registration set forth in Article 123 of the Old Act and is deemed to have received a registration set forth in Article 107 of the New Act pursuant to the provisions of the preceding paragraph, the term "the date of registration set forth in Article 107" in Article 116, paragraph (1) of the New Act is deemed to be replaced with "the date of the last inspection set forth in Article 132, paragraph (1) of the Old Act which has been implemented prior to the enforcement date of this Act".

(National Certified Measurer Examination)

Article 23 A person who has passed the national certified measurer examination set forth in Article 169 of the Old Act prior to the enforcement date (including those who are deemed, pursuant to the provisions of Article 8 of the supplementary provisions of the Act Partially Revising the Measurement Act (Act No. 42 of 1974), to have passed the national certified measurer examination pursuant to the provisions of the Old Act) is deemed to have passed the national certified measurer examination set forth in Article 125 of the New Act.

(Enterprises where Measurement Instruments are Used)

Article 24 A person who has received, at the time of enforcement of this Act, a designation set forth in Article 173 of the Old Act is deemed to have received a designation set forth in Article 127, paragraph (1) of the New Act.

(Measurement Administration Council)

Article 25 The Measurement Administration Council established pursuant to the provisions of Article 208 of the Old Act and its chairperson and council members, on the enforcement date, become the Measurement Administration Council established pursuant to the provisions of Article 156, paragraph (1) of the New Act and its chairperson and council members, respectively, and continue in the same capacity.

(Training)

Article 26 A person who has completed a training course offered by the Measurement Training Center set forth in Article 224 of the Old Act before the enforcement date (including those who are deemed to have completed a training course offered by the Measurement Training Center set forth in Article 224 of the Old Act, pursuant to the provisions of Article 68 of the Old Act for Enforcement) is deemed to have completed a training course offered by the Measurement Training Center set forth in Article 166 of the New Act.

(Reinspection and Appeals)

Article 27 With regard to an application for reinspection submitted prior to the enforcement date, and an objection filed or a request for administrative review submitted prior to the enforcement date, the provisions then in force remain applicable.

(Grounds for Disqualification)

Article 28 (1) With regard to the application of Article 77, paragraph (1) or Article 92, paragraph (1) of the New Act, the rescission of a registration pursuant to the provisions of Article 27 of the Old Act is deemed to be the rescission of an approval pursuant to the provisions of Article 88 of the New Act or a rescission of a designation pursuant to the provisions of Article 99 of the New Act.

(2) With regard to the application of Article 27 of the New Act (including when applied mutatis mutandis pursuant to Article 106, paragraph (3) or Article 121, paragraph (2)), Article 92, paragraph (1) of the New Act (including when applied mutatis mutandis pursuant to Article 101, paragraph (3), Article 114, or Article 133), Article 122, paragraph (3) of the New Act, and Article 139 of the New Act, a person who has been sentenced to a fine or severer punishment for violation of the provisions of the Old Act or an order based on the Old Act is deemed to have been sentenced to a fine or severer punishment for violation of the provisions of the New Act or an order based on the New Act.

(Dispositions)

Article 29 (1) Dispositions, proceedings and other acts made prior to the enforcement date pursuant to the provisions of the Old Act or an order based on the Old Act, and regarding which there are corresponding provisions in the New Act or an order based on the New Act, are deemed to have been made pursuant to the corresponding provisions of the New Act or an order based on to the New Act, except as provided in these supplementary provisions.

(2) A mark or a document affixed or issued prior to the enforcement date pursuant to the provisions of the Old Act or an order based on the Old Act, and regarding which there are corresponding provisions in the New Act or an order based on the New Act, is deemed to have been affixed or issued pursuant to the corresponding provisions of the New Act or an order based on the New Act, except as provided in these supplementary provisions.

(Application of Penal Provisions)

Article 30 With regard to the application of penal provisions applicable to an act committed prior to the enforcement date and to an act pertaining to matters to which provisions then in force remain applicable pursuant to the provisions of these supplementary provisions which is committed on or after the enforcement date, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 31 Beyond what is provided for in Articles 3 through the preceding Article of the supplementary provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

Appended Table 1 to supplementary provisions

| Quantity of State of Physical Phenomena | Measurement unit                                    |
|---|---|
| Force                                   | dyne  |
| Work                                    | erg   |
| Amount of heat                          | kilogram force meter erg                            |
| Neutron emission rate                   | neutron per second neutron per minute               |
| Radio activity                          | disintegration per second disintegration per minute |

Appended Table 2 to supplementary provisions

| Quantity of State of Physical Phenomena | Measurement unit              |
|---|-------------------------------|
| Length                                  | micron                        |
| Frequency                               | cycle or cycle per second     |
| Magnetic field strength                 | ampere turn per meter oersted |
| Magnetomotive                           | ampere turn                   |
| Magnetic flux density                   | gamma gauss                   |

|                         |            |
|-------------------------|------------|
| magnetic flux           | Maxwell    |
| Acoustic pressure level | phone      |
| Concentration           | provisions |

Appended Table 3 to supplementary provisions

| Quantity of State of Physical Phenomena | Measurement unit  |
|---|---|
| Force                                   | kilogram-force gram-force ton-force   |
| Moment of force                         | kilogram-force meter  |
| Pressure                                | kilogram-force per square meter gram-force per square meter meter of mercury meter of water |
| Stress                                  | kilogram-force per square meter gram-force per square meter                                 |
| Work                                    | kilogram-force meter  |
| Power                                   | kilogram-force meter per second   |
| Amount of heat                          | calorie   |
| Thermal conductivity                    | calorie per second per meter per degree calorie per hour per meter per degree               |
| Specific heat capacity                  | calorie per kilogram per degree   |

**Supplementary Provisions [Act No. 89 of November 12, 1993 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the enforcement date (October 1, 1994) of the Administrative Procedures Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Disposition for which an Advisory Opinion is Sought)

Article 2 If, prior to the enforcement of this Act, a council or other organization with a council system has received a consultation or other request based on laws and regulations with regard to the implementation of procedures corresponding to hearings, the granting of an opportunity for explanation, and other procedures for statement of opinion prescribed by Article 13 of the Administrative Procedures Act, the provisions then in force remain applicable to procedures for adverse dispositions relating to the consultation or other request, notwithstanding the provisions of the Acts revised by this Act.

(Transitional Measures concerning Penal Provisions)

Article 13 With regard to the application of penal provisions to an act committed before the enforcement of this Act, the provisions then in force remain applicable.

(Transitional Measures Accompanied by Arrangement of Provisions Concerning Hearing)

Article 14 Hearings or meetings thereof (excluding those pertaining to adverse dispositions) or proceedings incidental thereto implemented pursuant to the provisions of laws and regulations before the enforcement of this Act, are deemed to have been implemented pursuant to the corresponding provisions of the Acts revised by this Act.

(Delegation to Cabinet Order)

Article 15 Beyond what is provided for in Article 2 through the preceding Article, transitional measures necessary for the enforcement of this Act are provided by Cabinet Order.

### **Supplementary Provisions [Act No. 87 of July 16, 1999 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions for revision in Article 1 to add five articles, the section title, and two subsections and titles therefor following Article 250 of the Local Government Act (limited to the part concerning Article 250-9, paragraph (1) of that Act (limited to the part concerning the requirement of gaining the consent of both Houses)), the provisions in Article 40 to revise paragraph (9) and paragraph (10) of the supplementary provisions of the Natural Parks Act (limited to the part concerning paragraph (10) of the supplementary provisions of that Act), the provisions of Article 244 (excluding the part concerning the provision to revise Article 14-3 of the Agricultural Improvement and Promotion Act), and the provisions of Article 472 (excluding the part concerning the provisions to revise Article 6, Article 8, and Article 17 of the Act on Special Provisions Concerning Merger of Municipalities), and the provisions of Article 7, Article 10, Article 12, the proviso to Article 59, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Article 160, Article 163, Article 164, and Article 202 of the supplementary provisions: the date of promulgation.

(Transitional Measures Accompanying Partial Amendment of Measurement Act)

Article 108 (1) With regard to a request for administrative review based on the provisions of Article 163, paragraph (1) of the Measurement Act prior to revision pursuant to the provisions of Article 345 concerning a disposition or



inaction pursuant to the same Act or an order based on that Act which is made prior to the enforcement date by the head of a city, town or village, the provisions then in force remain applicable.

- (2) With regard to a request for administrative review based on the provisions of Article 163, paragraph (2) of the Measurement Act prior to revision pursuant to the provisions of Article 345 concerning a disposition or inaction pursuant to the same Act or an order based on that Act which is made prior to the enforcement date by a designated periodic inspection organization prescribed in Article 20, paragraph (1) of the Measurement Act prior to revision or a designated measurement certification inspection organization prescribed in Article 117, paragraph (1) of the same Act, the provisions then in force remain applicable.

(Affairs of the National Government)

Article 159 Beyond what is provided for in respective Acts prior to revision by this Act, affairs of the national government, a local government, or a local public organization (referred to as "affairs of the national government, etc." in Article 161 of the supplementary provisions) which have been managed or performed pursuant to the Act or Cabinet Order based on the Act by an organization of another local government before the enforcement of this Act, are to be disposed pursuant to the Act or Cabinet Order based on the Act by the local government as its affairs after the enforcement of this Act.

(Transitional Measures Concerning Disposition and Application)

Article 160 (1) With regard to the application of the respective revised Acts on or after the date of enforcement of this Act to dispositions to grant approval and other acts conducted, prior to the enforcement of this Act (or the provisions listed in the items of Article 1 of the supplementary provisions; hereinafter the same applies in this Article and Article 163 of the supplementary provisions), pursuant to the provisions of the respective Acts prior to revision (hereinafter referred to as "dispositions and other acts" in this Article) or applications for approval, etc. and other acts conducted, prior to the enforcement of this Act, pursuant to the provisions of the respective Acts prior to revision (hereinafter referred to as "applications and other acts" in this Article), if administrative affairs pertaining to these acts come under the jurisdiction of different persons on the date of enforcement of this Act, these acts, excluding those prescribed in Article 2 through the preceding Article of the supplementary provisions or in the provisions concerning transitional measures prescribed in respective Acts (including orders based thereon), are deemed to be dispositions and other acts, or applications and other acts conducted pursuant to the corresponding provisions of the respective Acts after amendment.

(2) Matters which must be reported, contained in notification, submitted, etc. to the national government or local government organizations before the enforcement of this Act pursuant to the provisions of the respective Acts prior to revision which have not been so reported, contained in notification, submitted, etc. before the enforcement date of this Act, are, unless otherwise provided for in this Act or Cabinet Order based on this Act, regarded as not having been reported, contained in notification, submitted, etc. to the national government or corresponding local government organization pursuant to the corresponding provisions of the respective Acts after amendment, and subject to the application of the provisions of the respective Acts revised by this Act.

(Transitional Measures concerning Appeals)

Article 161 (1) With regard to dispositions pertaining to affairs of the national government, etc. made prior to the enforcement date by administrative agencies (hereinafter referred to as "the disposition-making agency" in this Article) that have been subordinated to higher administrative agencies defined in the Administrative Appeal Act (hereinafter referred to as a "higher administrative agencies" in this Article) prior to the enforcement date, the Administrative Appeal Act applies to appeals filed against the dispositions pursuant to the Act by regarding that the disposition-making agencies continue to be subordinate to the higher administrative agencies on and after the enforcement date. In this case, the administrative agencies that are deemed to be the higher administrative agencies of the disposition-making agencies are the administrative agencies to which disposition-making agencies were subordinated prior to the enforcement date.

(2) In the case of the preceding paragraph, if an administrative agency deemed to be a higher administrative agency is a local government organization, any matter to be disposed pursuant to the provisions of the Administrative Appeal Act is deemed to be a Type-1 statutory entrusted affair prescribed in Article 2, paragraph (9), item (i) of the new Local Government Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to fees which were to be paid before the enforcement date pursuant to the provisions of the respective Acts (including an order based thereon) prior to revision by this Act the provisions then in force remain applicable, unless otherwise provided for in this Act or Cabinet Order based on this Act.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force remain

applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is provided for in the supplementary provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are provided by Cabinet Order.

(2) Matters necessary for the application of the provisions of Article 18, Article 51, and Article 184 of the supplementary provisions are provided by Cabinet Order.

(Review)

Article 250 The creation of new Type-1 statutory entrusted affairs prescribed in Article 2, paragraph (9), item (i) of the new Local Government Act is to be kept to the minimum possible extent, and the affairs listed in Appended Table I of the new Local Government Act and those provided for by Cabinet Order based on the new Local Government Act are to be examined from the perspective of promoting decentralization and revised appropriately as needed.

Article 251 The government is to examine how to secure adequate sources of local tax revenue based on the sharing of roles between the national government and local governments taking into account the prevailing economic trends, and take necessary measures based on the examination results, in order to enable local governments to perform their affairs and services voluntarily and independently.

### **Supplementary Provisions [Act No. 102 of July 16, 1999 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions set forth in the following items come into effect as of the date prescribed in each item:

(ii) the provisions of Article 10, paragraphs (1) and (5), Article 14, paragraph (3), Article 23, Article 28, and Article 30 of the supplementary provisions: the day of promulgation.

(Transitional Measures Specified Separately)

Article 30 Beyond what is provided for in Article 2 to the preceding Article, transitional measures necessary for the enforcement of this Act are specified

separately by laws and regulations.

**Supplementary Provisions [Act No. 121 of August 6, 1999 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of July 1, 2000; provided, however, that the provisions of the following items come into effect as of the date provided in the following items:

(v) among the provisions of Article 3 of this Act, those revising Article 28, paragraph (1) of the Explosives Control Act (limited to the part adding "stating organizations and methods to ensure safety and other matters prescribed by Order of the Ministry of International Trade and Industry" after "hazard prevention rules"), those revising Article 35, paragraph (1) of the same Act (limited to the part revising "powder magazines" to "powder magazines, and organizations and methods to ensure safety at the facilities") and those revising paragraph (2) of the same Article (limited to the part adding "and whether they implement, among matters specified in the damage prevention rules approved as prescribed in Article 28, paragraph (1), matters prescribed by Order of the Ministry of International Trade and Industry as those pertaining to the organizations and methods to ensure safety" after "whether specified facilities and powder magazines conform to the technical standards"), the provisions of Article 5 and Article 10 of this Act, and the provisions of Article 31 through Article 34, Article 45 through Article 50, Article 76, Article 77, and Article 79 of the supplementary provisions: April 1, 2001

(Transitional Measures Accompanying Partial Revision of the Measurement Act)

Article 31 A person who has received, at the time of enforcement of the provisions of Article 5, a designation under Article 16, paragraph (1), item (ii), (a) of the Measurement Act prior to revision (hereinafter referred to as the "Old Measurement Act") pursuant to the provisions of Article 5 is deemed to have received approval under Article 16, paragraph (1), item (ii), (a) of the Measurement Act after amendment (hereinafter referred to as the "New Measurement Act") on the enforcement date of the provisions in Article 5.

Article 32 A person who has received, at the time of enforcement of the provisions of Article 5, a designation under Article 20, paragraph (1) of the Old Measurement Act is deemed to have received a designation under Article 20, paragraph (1) of the New Measurement Act on the enforcement date of the

provisions of Article 5.

Article 33 A person who has received, at the time of enforcement of the provisions of Article 5, a designation under Article 117, paragraph (1) of the Old Measurement Act is deemed to have received a designation under Article 117, paragraph (1) of the New Measurement Act on the enforcement date of the provisions of Article 5.

Article 34 A person who has received, at the time of enforcement of the provisions in Article 5, a designation under Article 135, paragraph (1) of the Old Measurement Act is deemed to have received a designation under Article 135, paragraph (1) of the New Measurement Act on the enforcement date of the provisions in Article 5.

(Effect of Disposition)

Article 68 Dispositions, proceedings, and other acts made pursuant to the provisions of the respective Acts prior to revision (including an order based thereon; hereinafter the same applies in this Article) before the enforcement of this Act (or the applicable provisions in the items of Article 1 of the supplementary provisions) and for which corresponding provisions are provided in the respective Acts after amendment are deemed to have been made pursuant to the corresponding provisions of the respective Acts after amendment, unless otherwise provided for in these supplementary provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 69 With regard to the application of penal provisions to acts committed before the enforcement of this Act (or the applicable provisions of the items of Article 1 of the supplementary provisions) (or before the expiration of the validity of the provisions of the previous Consumer Product Safety Act that remain in force under the provisions of Article 10 of the supplementary provisions in the case of acts by the Consumer Product Safety Association, or before the expiration of the validity of the provisions of the previous High Pressure Gas Safety Act that remain in force under the provisions of Article 30 of the supplementary provisions in the case of acts by the High Pressure Gas Safety Institute) and acts committed after the enforcement of this Act to which provisions then in force remain applicable pursuant to the provisions of these supplementary provisions, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 70 Beyond what is provided for in Articles 2 through 9 and Articles 14 through the preceding Article of the supplementary provisions, transitional

measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are provided by Cabinet Order.

**Supplementary Provisions [Act No. 160 of December 22, 1999 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 6, 2001;

**Supplementary Provisions [Act No. 203 of December 22, 1999 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2001; provided, however, that the provisions of Articles 8 through 10 and Article 12 of the supplementary provisions come into effect as of the date prescribed by Cabinet Order within a period not exceeding six months from that date of enforcement.

(Transitional Measures Accompanying Partial Amendment of Measurement Act)

- Article 10 (1) Approvals and other dispositions which were made before the enforcement of the provisions in the preceding Article by the Minister of Economy, Trade and Industry pursuant to the provisions of the Measurement Act prior to revision (hereinafter referred to as the "Old Act" in this Article) pursuant to the provisions of the preceding Article and which are to be made by the AIST after the enforcement of the provisions of the preceding Article are deemed to have been made by the AIST pursuant to the provisions of the Measurement Act after amendment (hereinafter referred to as the "New Act" in this Article) pursuant to the provisions of the same Article.
- (2) Applications which were filed by the time of the enforcement of the provisions in the preceding Article with the Minister of Economy, Trade and Industry pursuant to the provisions of the Old Act and are to be filed with the AIST after the enforcement of the provisions in the preceding Article are deemed to have been filed with the AIST pursuant to the provisions of the New Act.
- (3) Among matters of which notification must be given to the Minister of Economy, Trade and Industry pursuant to the provisions of the Old Act before the enforcement of the provisions in the preceding Article and to the AIST after the enforcement of the provisions in the preceding Article, those of which notification has not been given before the enforcement date of the provisions in the preceding Article are regarded after the enforcement of the provisions in

the preceding Article as not having been contained in notification to the AIST in accordance with the provisions of the New Act and are subject to the application of the provisions of the New Act.

(Delegation to Cabinet Order)

Article 11 Beyond what is provided for in Articles 2 through 7 and the preceding Article of the supplementary provisions, transitional measures necessary for the establishment of the AIST and for the enforcement of this Act are provided by Cabinet Order.

**Supplementary Provisions [Act No. 204 of December 22, 1999 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2001; provided, however, that the provisions of Articles 8 through 19 of the supplementary provisions come into effect as of a date prescribed by Cabinet Order within a period not exceeding six months from that date of enforcement.

(Transitional Measures Accompanied by Partial Amendment of the  
Measurement Act)

Article 18 (1) Accreditations made prior to the enforcement of the provisions in the preceding Article by the Minister of Economy, Trade and Industry pursuant to the provisions of Article 143 of the Measurement Act prior to revision (hereinafter referred to as the "Old Measurement Act") are deemed to have been made by the NITE pursuant to the provisions of Article 143 of the Measurement Act after amendment (hereinafter referred to as the "New Measurement Act").

(2) Matters of which notification is required to be given to the Minister of Economy, Trade and Industry pursuant to the provisions of Article 147, paragraph (1) of the Old Measurement Act (limited to the provisions concerning accredited enterprises) before the enforcement of the provisions in the preceding Article and of which notification has not been given before the enforcement date of the provisions in the preceding Article are deemed to be required to be contained in notification to the NITE pursuant to the provisions of Article 147, paragraph (1) the New Measurement Act.

(3) Applications filed by the time of the enforcement of the provisions in the preceding Article with the Minister of Economy, Trade and Industry pursuant to the provisions of Article 143 of the Old Measurement Act are deemed to have been filed with the NITE pursuant to the provisions of Article 143 of the New Measurement Act.

(4) With regard to matters of which notification must be given prior to the enforcement of the provisions in the preceding Article to the Minister of Economy, Trade and Industry pursuant to the provisions of Article 65 of the Old Measurement Act as applied mutatis mutandis pursuant to Article 146 of the Old Measurement Act but of which notification has not been given before the enforcement date of the provisions of the preceding Article, notification is deemed not to have been given to the NITE pursuant to the provisions of Article 65 of the New Measurement Act as applied mutatis mutandis pursuant to the provisions of Article 146 of the New Measurement Act and the matters are subject to the application of the provisions of the New Measurement Act.

(Transitional Measures Concerning Penal Provisions)

Article 20 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 21 Beyond what is provided for in Articles 2 through 7, Article 9, Article 11, Article 18, and the preceding Article of the supplementary provisions, transitional measures necessary for the establishment of the NITE and for the enforcement of this Act are provided by Cabinet Order.

**Supplementary Provisions [Act No. 220 of December 22, 1999 Extract]  
[Extract]**

(Effective Date)

Article 1 This Act (excluding Article 1) comes into effect as of January 6, 2001.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, matters necessary for the enforcement of this Act are provided by Cabinet Order.

**Supplementary Provisions [Act No. 91 of May 31, 2000]**

(Effective Date)

(1) This Act comes into effect as of the enforcement date (April 1, 2001) of the Act to Partially Amend the Commercial Code (Act No. 90 of 2000).

**Supplementary Provisions [Act No. 54 of June 20, 2001]**

(Effective Date)



Article 1 This Act comes into effect as of a date prescribed by Cabinet Order within a period not exceeding one year from the day of promulgation; provided, however, that the provisions of the next Article come into effect as of a date prescribed by Cabinet Order within a period not exceeding nine months from the date of promulgation.

(Preparatory Acts)

Article 2 Designations prescribed in Article 121-2 of the Measurement Act revised by this Act (hereinafter referred to as the "New Act") and related necessary proceedings or other acts may be made before the enforcement of this Act in accordance with the provisions of the New Act.

(Transitional Measures)

Article 3 A person who, at the time of enforcement of this Act, is actually engaged in the business of measurement certification with a registration under Article 107 of the Measurement Act prior to revision by this Act and whose business falls under Article 109, item (iii) of the New Act may perform the business of measurement certification notwithstanding the provisions of Article 107 of the New Act, until a date no later than one year from the date of promulgation of this Act (if the person's registration is rejected within the above period under the provisions of Article 107 of the New Act, until the date of rejection). The same applies if the person has, within the above period, applied for registration under Article 108 of the New Act and the period has elapsed, until the registration under the application is accepted or rejected.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, transitional measures necessary for the enforcement of this Act are provided by Cabinet Order.

(Review)

Article 5 After five years have passed from the enforcement of this Act, the government is to review the provisions of the New Act and take necessary measures based on the results if deemed necessary in consideration of the enforcement status of the New Act.

**Supplementary Provisions [Act No. 76 of June 11, 2003 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of March 1, 2004; provided, however, that the provisions of each of the following items come into effect as of the dates

provided for respectively in those items:

- (i) the provisions of Article 13 of the supplementary provisions: the day of promulgation;
- (ii) the provisions of Article 3, paragraph (1), Article 4, paragraph (1), Article 5, paragraph (1), Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), and Article 9, paragraph (1) of the supplementary provisions: October 1, 2003; and
- (iii) the provisions of Article 1 and the following Article of this Act, and the provisions of Article 14 of the supplementary provisions: a date prior to March 31, 2006 prescribed by Cabinet Order.

(Transitional Measures Accompanying Partial Amendment of the Measurement Act)

Article 2 A person who has, at the time of enforcement of the provisions in Article 1, an accreditation under Article 143 of the Measurement Act prior to revision by the provisions in Article 1 is deemed to have an accreditation under Article 143, paragraph (1) of the New Measurement Act, until a date not later than two years from the date of enforcement of the provisions in Article 1 or the last date of the period commencing from the date of the accreditation as prescribed by Cabinet Order under Article 144-2, paragraph (1) of the Measurement Act after amendment by the provisions in Article 1 (hereinafter referred to as the "New Measurement Act"), whichever comes later.

(Effect of Disposition)

Article 11 Dispositions, proceedings and other acts made prior to the enforcement of this Act (or the applicable provisions in each item of Article 1 of the supplementary provisions) pursuant to the provisions of respective Acts prior to revision (including an order based thereon; hereinafter the same applies in this Article) and for which corresponding provisions are provided in respective Acts after amendment, are deemed to have been made pursuant to the corresponding provisions of the respective Acts after amendment, unless otherwise provided for by these supplementary provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 12 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (or applicable provisions in the items of Article 1 of the supplementary provisions; hereinafter the same applies in this Article) and acts committed after the enforcement of this Act to which the provisions then in force remain applicable pursuant to the provisions of these supplementary provisions, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 13 Beyond what is provided for in Article 2 through the preceding Article of the supplementary provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are provided by Cabinet Order.

**Supplementary Provisions [No. 10 of March 31, 2006 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2006.

(Transitional Measures Concerning Penal Provisions)

Article 211 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act (or applicable provisions in the items of Article 1 of the supplementary provisions; hereinafter the same applies in this Article) and acts committed after the enforcement of this Act to which the provisions then in force remain applicable pursuant to the provisions of these supplementary provisions, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 212 Beyond what is provided for in the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are provided by Cabinet Order.

Appended table 1 (Re: Article 3)

| Quantity of State of Physical Phenomena | Measurement unit                    |
|---|-------------------------------------|
| Length                                  | meter                               |
| Mass                                    | kilogram gram ton                   |
| Time                                    | second minute hour                  |
| Electric current                        | ampere                              |
| Temperature                             | degree Kelvin or Celsius, or degree |
| Amount of substance                     | mole                                |
| Luminous intensity                      | candela                             |
| Angle                                   | radian degree second minute         |
| Solid angle                             | steradian                           |
| Area                                    | square meter                        |
| Volume                                  | cubic meter liter                   |
| Angular velocity                        | radian per second                   |
| Angular acceleration                    | radian per second squared           |
| Velocity                                | meter per second meter per hour     |
| Acceleration                            | meter per second squared            |
| Frequency                               | hertz                               |
| Speed of revolution                     | per second per minute per hour      |

|   |   |
|---|---|
| Wave number                                       | per meter   |
| Density   | kilogram per cubic meter gram per cubic meter<br>gram per liter   |
| Force   | newton  |
| Moment of force                                   | newton meter  |
| Pressure  | pascal or newton per square bar   |
| Stress  | pascal or newton per square meter   |
| Viscosity   | pascal second or newton second per square meter   |
| Kinematic viscosity                               | square meter per second   |
| Work  | joule or watt second watt hour  |
| Power   | watt  |
| Mass flow rate                                    | kilogram per second kilogram per minute<br>kilogram per hour gram per second gram per<br>minute gram per hour ton per second ton per<br>minute ton per hour |
| Flow rate   | cubic meter per second cubic meter per minute<br>cubic meter per hour liter per second liter per<br>minute liter per hour                                   |
| Amount of heat                                    | joule or watt second watt hour  |
| Thermal conductivity                              | watt per meter Kelvin or watt per meter degree  |
| Specific heat capacity                            | joule per kilogram Kelvin or joule per kilogram<br>degree   |
| Entropy   | joule per Kelvin  |
| Amount of electricity                             | coulomb   |
| Electric field strength                           | volt per meter  |
| Voltage   | volt  |
| Electromotive force                               | volt  |
| Capacitance                                       | farad   |
| Magnetic field strength                           | ampere per meter  |
| Magnetomotive force                               | ampere  |
| Magnetic flux density                             | tesla or weber per square meter   |
| Magnetic flux                                     | weber   |
| Inductance  | Henry   |
| Electric resistance                               | ohm   |
| Electric conductance                              | siemens   |
| Impedance   | ohm   |
| Electric power                                    | watt  |
| Amount of electric power                          | joule or watt second watt hour  |
| Electric power density of<br>Electromagnetic wave | watt per square meter   |
| Radiant intensity                                 | watt per steradian  |
| Luminous flux                                     | lumen   |
| Luminance   | candela per square meter  |
| Illuminance                                       | lux   |
| Acoustic power                                    | watt  |
| Concentration                                     | mole per cubic meter mole per liter kilogram per<br>cubic meter gram per cubic meter gram per liter   |
| Neutron emission rate                             | per second per minute   |
| Radioactivity                                     | becquerel curie   |

|                      |   |
|----------------------|---|
| Absorbed dose        | gray rad  |
| Absorbed dose rate   | gray per second gray per minute gray per hour rad per second rad per minute rad per hour  |
| Kerma                | gray  |
| Kerma rate           | gray per second gray per minute gray per hour   |
| Exposure             | coulomb per kilogram roentgen   |
| Exposure rate        | coulomb per kilogram second coulomb per kilogram minute coulomb per kilogram hour roentgen per second roentgen per minute roentgen per hour |
| Dose equivalent      | sievert rem   |
| Dose equivalent rate | sievert per second sievert per minute sievert per hour rem per second rem per minute rem per hour   |

Appended table 2 (Re: Article 4)

| Quantity of State of Physical Phenomena | Measurement unit                  |
|---|-----------------------------------|
| Reactive electric power                 | var                               |
| Apparent electric power                 | voltampere                        |
| Reactive electric energy                | var second var hour               |
| Apparent electric energy                | voltampere second voltampere hour |
| Attenuation of electromagnetic wave     | decibel                           |
| Acoustic pressure level                 | decibel                           |
| Oscillating acceleration level          | decibel                           |

Appended table 3 (Re: Article 4)

| Quantity of State of Physical Phenomena | Measurement unit   |
|---|--|
| Revolution speed                        | revolution per minute revolution per hour  |
| Pressure                                | atmospheric pressure   |
| Viscosity                               | poise  |
| Kinematic viscosity                     | stokes   |
| Concentration                           | percent by mass/ parts per thousand by mass/ parts per million by mass/ parts per billion by mass /parts per trillion by mass/ parts per quadrillion/ percent by volume/ parts per thousand by volume/ parts per million by volume/ parts per billion by volume/ parts per trillion by volume/ parts per quadrillion by volume/ pH |