

Environmental Impact Assessment Act

(Act No. 81 of June 13, 1997)

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Chapter I General Provisions

(Purposes)

Article 1 The purpose of this Act is, in recognition of the fact that it is extremely important, in terms of protecting the environment, that the project proponent conduct an environmental impact assessment in advance of a project that changes the shape of the terrain or that involves the construction of a new structure, or that is engaging in other similar activities, to set forth procedures and other provisions designed to define clearly the responsibilities of the government, etc., regarding environmental impact assessments and to ensure that the environmental impact assessments are conducted properly and smoothly with respect to large-scale projects that could have a serious impact

on the environment, and to ensure proper consideration for environmental conservation in related to the project, by prescribing process to reflect the result of the environmental impact assessment in determining the measures for environmental conservation in implementing the project and in determining the other contents of the project, thereby contributing to the healthy and cultural life of the Japanese people, both now and in the future.

(Definitions)

- Article 2 (1) In this Act, "environmental impact assessment" means conducting survey, forecast and evaluation of the possible changes (the environmental impact in association of the activities is included, if the purpose of the project includes business activities and other human activities scheduled in the land or the structure after the implementation of a project; hereinafter referred to simply as "environmental impact") in environment caused by implementation of a project (changes in the shape of the terrain (including dredging being conducted simultaneously) and the newly establishment, extension and reconstruction of a structure for specific purpose; the same applies hereinafter) in individual components of the environment; considering measures for environmental conservation related to the implementation of the project in the process of assessment; and evaluating comprehensively the environmental impact when the measures are taken
- (2) In this Act, "class-1 project" means a project that meets the following requirements, including a scale (an area of land to be altered in which the shape is expressed numerically, the size of any new structures to be built or other projects expressed numerically; the same applies in the following paragraph) is large, and is specified by cabinet order to have a serious impact on the environment.
- (i) a project that falls under any of the following types of projects:
 - (a) a project to construct or reconstruct a national expressway, a national road, any other type of road as specified in Article 2, paragraph (1) of the Road Act (Act No. 180 of 1947), or any other type of road;
 - (b) a project (hereinafter referred to as "a new-dam, etc. construction project" in this item) to construct a dam or to construct or reconstruct a weir across a river, as specified in Article 3, paragraph (1) of the River Act (Act No. 167 of 1964), and a project of river works specified in Article 8 of the River Act and which is not a new-dam, etc. construction project;
 - (c) a project to construct or improve a railway as specified in the Railway Business Act (Act No. 92 of 1986) or tramway as specified in the Act on Rail Tracks (Act No. 76 of 1921);
 - (d) a project to construct or reconstruct an airport, or other airfield and airport facility as specified in Article 2 of the Airport Act (Act No. 80 of

- 1956);
- (e) a construction project to install or modify a power generating structure which are electric facilities for business use as specified in Article 38 of the Electricity Business Act (Act No. 170 of 1964);
 - (f) a project to construct a final domestic-waste disposal site as specified in Article 8, paragraph (1) of the Waste Disposal and Public Cleansing Act (Act No. 137 of 1970) or a final industrial-waste disposal site as specified in Article 15, paragraph (1) of the same Act or to modify the structure and the scale of the facility;
 - (g) a project to reclaim or empolder public water bodies as specified in the Public Water Body Reclamation Act (Act No. 57 of 1921) or to reclaim or empolder other water body;
 - (h) a land readjustment project as specified in Article 2, paragraph (1) of the Land Readjustment Act (Act No. 119 of 1954);
 - (i) a new housing and urban development project as specified in Article 2, paragraph (1) of the New Housing and Urban Development Act (Act No. 134 of 1963);
 - (j) an industrial park development project as specified in Article 2, paragraph (5) of the Act Concerning the Development of Suburban Consideration Zone and Urban Development Zones of the National Capital Region (Act No. 98 of 1958) and in Article 2, paragraph (4) of the Act Concerning Development of Suburban Consideration Zone and Urban Development Zones of the Kinki Region (Act No. 145 of 1964);
 - (k) a new city foundation development project as specified in Article 2, paragraph (1) of the New Urban Infrastructure Act (Act No. 86 of 1972);
 - (l) a project to construct a distribution-business center as specified in Article 2, paragraph (2) of the Act Concerning the Improvement of Urban Distribution Centers (Act No. 110 of 1966);
 - (m) beyond what is listed in (a) through (l), a type of project specified by cabinet order as the degree of need to conduct an environmental impact assessment regarding to a project is equivalent to those, and having an environmental impact over a broad area regarding a project.
- (ii) a project that falls under any of the following;
- (a) a project (excluding those listed below in (e)) when license, special permission, permission, authorization, approval or consent or notification (notification is limited only to the projects subject to specific laws containing legal provisions to enable to issue a recommendation or order to modify the relevant notification within a specified time following the filing of the relevant notification; this limitation also applies to (e) below) is required in accordance with the provisions of laws that are specified by cabinet order;

- (b) a project (excluding those listed above in (a)) that is subject to government subsidies, etc. (a subsidy provided for Article 2, paragraph (1), item (i) of the Act on Regulation of Execution of Budget Pertaining to Subsidies (Act No. 179 of 1955), dues prescribed in item (ii) of the same paragraph and benefits as prescribed in item (iv) of the same paragraph and is specified by cabinet order among those; the same applies hereinafter);
 - (c) a project (excluding those referred to in (a) and (b)) carried out as business by a corporation incorporated under a special law (limited to corporations to which the national government contributes capital);
 - (d) a project carried out by the national government (excluding those referred to (a) and (e));
 - (e) a project that is carried out by the national government, in which implementation license, special permission, permission, authorization, approval or consent or notification is essential at the implementation by a fine pursuant to the provisions of laws and specified by cabinet order.
- (3) In this Act, "class-2 project" means a project that satisfied requirements listed in the items of the preceding paragraph and is based on the scale (limited to projects whose level representing the ratio of its scale to that of a class-1 project is beyond the level specified by cabinet order) equivalent to a class-1 project, and it is necessary specified by cabinet order to be made a judgment (referred to simply as " judgment " hereinafter) to whether it will have a serious impact on the environment by a person specified in the items of Article 4, paragraph (1), in accordance with the provisions of the same Article.
- (4) In this Act, "target project" means a class-1 or class-2 project (excluding those in which a measure specified in Article 4, paragraph (3), item (ii) is applied mutatis mutandis in Article 4, paragraph (4) (including the case with applied by replacing the terms and phrases under the provisions of Article 39, paragraph (2)) and Article 29, paragraph (2) (including the case applied by replacing the terms and phrases under the provisions of Article 40, paragraph (2)) has been taken) which a measure of Article 4, paragraph (3), item (i) is made
- (5) In this Act (excluding this Chapter), "project proponent" means a person who intends to implement a target project (the head of the administrative organ (including local branch office) which intends to implement the target project for a target project carried out by the national government) or the person who intends to entrust for a target project entrusted).

(Responsibilities of the National Government)

Article 3 Fully recognizing that it is important for an environmental impact assessment to be conducted before a project is carried out, the national

government, local governments, project proponents, and citizens must endeavor from their respective positions to ensure that such an environmental impact assessment and other procedures specified in this Act are conducted appropriately and smoothly, to avoid or to reduce as much as possible the environmental burden by the implementation of the project, and to ensure that the consideration for environmental conservation is performed properly.

Chapter II Procedures Prior to Preparation of a Scoping Document

Section 1 Document on Primary Environmental Impact Consideration

(Review for items for Primary Environmental Impact Consideration at the Early Stage)

- Article 3-2 (1) At the planning stage of a class-1 project, a person who intends to implement a project (for a project carried out by the national government, the head of the administrative organ (including a local branch office) which intends to implement the target project for a target project carried out by the national government) or the person who intends to entrust for a target project in the case of entrustment; the same applies hereinafter), in determining the area in which the relevant project will be carried out and other matters specified by the order of the competent ministry in each type of project listed in Article 2, paragraph (2), item (i), (a) through (m), must review the items (hereinafter referred to as "the items for primary environmental impact consideration at the early stage") should be considered for environmental conservation related to the relevant project in the one or more areas (hereinafter referred to as "the possible project implementation area") in which the relevant project will be carried out in each type of project listed in Article 2, paragraph (2), item (i), (a) through (m), as prescribed by order of the competent ministry.
- (2) The order of the competent ministry is to specify the area in which a project in the preceding paragraph will be carried out and other items, are issued by the competent minister (if the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister) in consultation with the Minister of the Environment.
- (3) The order of the competent ministry in paragraph (1) (excluding the order of the competent ministry to specify the area in which a project in the preceding paragraph will be implemented and other items) is issued by the competent minister (if the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister) in consultation with the Minister of the Environment, in order to establish guidelines for both the selection of the items for primary environmental impact consideration at the early stage as found to be necessary for the proper review of items for primary environmental impact consideration at the early stage, and the methods for survey, forecast and

evaluation, relating to the relevant items for primary environmental impact consideration at the early stage

(Preparation of a Document on Primary Environmental Impact Consideration)

Article 3-3 (1) a person who intends to implement a class-1 project must prepare a document on primary environment impact consideration at the early stage (hereinafter referred to as "a document on primary environment impact consideration") that describes the following matters about the results of the review of the items for primary environmental impact consideration at the early stage;

- (i) the name and address of the person who intends to implement a class-1 project (in the case of a corporation, its name, the name of its representative, and the location of its principal office);
 - (ii) the purpose and contents of the class-1 project;
 - (iii) the general conditions of the area for possible implementation of the project and its surrounding area;
 - (iv) a summary of the results of survey, forecast and evaluation for each items for primary environmental impact consideration at the early stage;
 - (v) other matters specified by Order of the Ministry of the Environment.
- (2) If two or more class-1 projects relating to each other will be carried out, a project proponent who intends to carry out these class-1 projects is able to prepare one document on primary environment impact consideration for these class-1 projects together.

(Submission of a Document on Primary Environmental Impact Consideration)

Article 3-4 (1) When preparing a document on primary environmental impact consideration, the person who intends to implement a class-1 project must promptly submit the document to the competent minister and make the relevant document on primary environmental impact consideration and the summary document made public, pursuant to the provisions of Order of the Ministry of the Environment.

- (2) After receiving a document on primary environmental impact consideration, the competent minister (excluding the Minister of the Environment) must promptly send a copy of the relevant document to the Minister of the Environment and request the opinions.

(Opinions of the Minister of the Environment)

Article 3-5 The Minister of the Environment, when requested for opinions pursuant to the provisions of paragraph (2) of the preceding Article, may state the opinions in writing to the competent minister (except the Minister of the Environment), within the period designated by cabinet order, from the

standpoint of the environment conservation for the document on primary environmental impact consideration.

(Opinions of the Competent Minister)

Article 3-6 When receiving the submission specified in Article 3-4, paragraph (1), the competent minister may state the opinions in writing to a person who intends to implement the class-1 project, within the period designated by cabinet order, from the standpoint of the environment conservation for the document on primary environmental impact consideration. In doing case, where the Minister of the Environment has stated any opinions pursuant to the provisions of the preceding Article, such opinions must be taken into consideration.

(Asking of Opinions on a Document on Primary Environmental Impact Consideration)

Article 3-7 (1) A person who intends to implement a class-1 project, in accordance with the order of the competent ministry in each types of projects specified by Article 2, paragraph (2), item (i),(a) through (m), must endeavor to ask the opinions of the relevant administrative organs and the public on a draft or a document on primary environmental impact consideration, from the standpoint of the environmental conservation.

(2) The order of the competent ministry referred to in the preceding paragraph is established by the competent minister (if the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister) in consultation with the Minister of the Environment, in order to establish guidelines for measures for asking the opinions of the relevant administrative organs and the public on items for primary environmental impact consideration at the early stage, from the standpoint of environmental conservation.

(Publication of Basic Matters)

Article 3-8 In consultation with the heads of the relevant administrative organs, the Minister of the Environment is to establish the basic matters relating to the guidelines to be issued by the competent minister (where the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister) pursuant to the provisions of Article 3-2, paragraph (3) and paragraph (2) of the preceding Article, and is to make them public.

(Abandonment of Class-1 Project)

Article 3-9 (1) When a person who intends to implement a class-1 project becomes as defined by any of the following items, the person, between publication as required by Article 3-4, paragraph (1) and a public notice issued

as required by Article 7, must provide notice thereof to the person receiving a document on primary environmental impact consideration from the person who intends to implement the relevant class-1 project and make this public in accordance with the Order of the Ministry of the Environment;

(i) the class-1 project will not be implemented;

(ii) in a case of the revision of the matters listed in Article 3-3, paragraph (1), item (ii), the project revised becomes to fall under neither a class-1 project nor a class-2 project;

(iii) the implementation of the class-1 project is transferred to another person.

(2) In the case of item (iii) of the preceding paragraph, if a project transferred to another person is a class-1 project, any examination of the items for primary environmental impact consideration at the early stage and any other procedures that were conducted as referred to the same items by the person who intended to implement the class-1 project prior to the transfer and before the publication date referred to in the same paragraph is deemed to have been implemented by another person who newly intends to implement the relevant class-1 project, and any examination of the items for primary environmental impact consideration at the early stage conducted and other procedures which were made about the person who intended to implement the class-1 project before the transfer is deemed to be made about another person who newly intends to implement the relevant project.

(Review for items for Primary Environmental Impact Consideration at the Early Stage on Class-2 Project)

Article 3-10 (1) At the planning stage of a class-2 project, a person who intends to implement a class-2 project (for a project implemented by the national government, the head of the administrative organ (including local branch office) which intends to implement the target project for a target project carried out by the national government) or a person who intends to entrust for a target project in the case of entrustment; the same applies hereinafter), in determining the area in which the project specified in Article 3-2 paragraph (1) will be carried out and other matters specified by order of the competent ministry is to review the items that should be considered for environmental conservation related to the project in the one or more areas in which the relevant project will be carried out and other procedures. In this case, a person who intends to implement the relevant class-2 project is to notify the competent minister in writing to conduct review of the items that should be considered for environmental conservation related to the project in the areas in which the relevant project will be carried out and follow other procedures.

(2) When a person who intends to implement a class-2 project make notification pursuant to the provisions of the preceding paragraph, the person is deemed to

be a person who intends to implement a class-1 project and thereupon the provisions of Articles 3-2 through the preceding Article is applied.

Section 2 Judgement of Class-2 Project

Article 4 (1) A person who intends to implement a class-2 project gives a written notice, in each type of the project listed in Article 2, paragraph (2), item (1), (a) through (m), hereunder pursuant to order of the competent ministry, on the name and location (in the case of a corporation, its name and the name of its representative, the location of its principal office), the type and scale of the class-2 project, the zone where the class-2 project will be carried out, and other general information concerning the class-2 project (hereinafter in this paragraph referred to as "name, etc.") to the person specified in each item according to the respective categories of a class-2 project listed in the following items. In this case, when the project proponent of a class-2 project listed in item (iv) or (v) is the competent minister listed in item (iv) or (v), the minister must prepare a document describing the name, etc. in lieu of submitting to the competent minister;

- (i) a class-2 project that falls under Article 2, paragraph (2), item (ii), (a): a person who issues the license, special permission, permission, authorization, approval, or consent (hereinafter referred to as "license, etc.") as prescribed in the same item (ii), (a), and who receives a notification as prescribed in the same item (ii), (a) (hereinafter referred to as a "special notification");
- (ii) a class-2 project that falls under Article 2, paragraph (2), item (ii), (b): a person who makes a decision on whether to grant a national government subsidy, etc. as prescribed in the provisions of the same item (ii), (b) (hereinafter referred to as "grant decision-maker");
- (iii) a class-2 project that falls under Article 2, paragraph (2), item (ii), (c): a person (hereinafter referred to as "corporate supervisor") who supervises the corporation as prescribed in the same item (ii), (c) relating the relevant project in accordance with the provisions of the acts as prescribed in the same item (ii), (c);
- (iv) a class-2 project that falls under Article 2, paragraph (2), item (ii), (d): the competent minister who has jurisdiction over processes relating to the implementation of the relevant project;
- (v) a class-2 project that falls under Article 2, paragraph (2), item (ii), (e): the competent minister who has jurisdiction over processes relating to the implementation of the relevant project, and a person who issues the license, special permission, permission, authorization, approval, or consent as prescribed in the same item (ii), (e) or a person who receives a notification as prescribed in the same item (ii), (e).

- (2) The person specified in each item of the preceding paragraph must send a copy of the notification (including documents provided for in the latter half of the same paragraph, hereinafter in this Article and in Article 29, paragraph (1) referred to as "notification") to the prefectural governor(s) who have jurisdiction over the area in which the class-2 project relating notification pursuant to the preceding paragraph will be implemented, and ask the prefectural governor by designating the period over 30 days for submission of the opinions and the reasons, as to whether it is necessary that an environmental impact assessment and other procedures are conducted followed pursuant to this Act (excluding this Article).
- (3) The person specified in each of the items of paragraph (1) of this Article, after giving due consideration to the opinions of the prefectural governor, submitted as prescribed in the preceding paragraph (2), must make a judgment for the relevant class-2 project within 60 days from the date of notification, pursuant to the provisions of the order of the competent ministry in each type of projects listed in Article 2, paragraph (2), item (i), (a) through (m), when the relevant person find that the degree of environmental impact is likely to be serious, the person must take a measure referred to in item (i); when the relevant person find that the degree of environmental impact is likely not to be serious, the person must take a measure referred to in item (ii);
- (i) notify the person in writing who filed the notification and the prefectural governor referred to in the preceding paragraph (2) (regarding the latter half of paragraph (1), the prefectural governor referred to in the preceding paragraph (2)) that an environmental impact assessment is necessary or that other procedures must be followed pursuant to the provisions of this Act (except this Article), setting forth the reasons for such opinion;
- (ii) notify in writing the person who filed the notification and the prefectural governors referred to in the preceding paragraph (2) (regarding the second sentence of paragraph (1), the prefectural governor(s) referred to in the preceding paragraph (2)) that an environmental impact assessment and other procedures pursuant to the provisions of this Act (except this Article) are not necessary, setting forth the reasons for such opinion.
- (4) When the person who has filed a notification and has received the notification of the judgment described in the preceding paragraph (3), item (i) intends to implement the relevant project by modifying the scale or the area of the relevant class-2 project, if the project after such modification falls within the definition of class-2 project, the person may file a notification concerning the relevant project after such modification. In this case, the provisions of the two preceding paragraphs apply mutatis mutandis to the relevant notification.
- (5) A person who intends to implement a class-2 project (other than a relevant project), until a measure (including the cases applying mutatis mutandis in the

preceding paragraph and Article 29, paragraph (2)) is taken pursuant to paragraph (3), item (ii) (when persons prescribed in each item of paragraph (1) relating to the relevant class-2 project are two or more, until the required measures are taken by all of all persons prescribed in the relevant items), may not implement the relevant class-2 project.

- (6) A person who intends to implement a class-2 project may conduct, notwithstanding the provisions of paragraph (1), without receiving a judgment, an environmental impact assessment and other procedures pursuant to the provisions of this Act (except this Article). In this case, if the person who intends to implement such class-2 project is someone other than the competent minister as prescribed in item (iv) or (v) of the same paragraph, that person is to notify in writing a document that the person conducted an environmental impact assessment and the other procedures to a person set forth in each item of the same paragraph in accordance with the provisions of this Act (except this Article), and when the person is the competent minister, the minister is to prepare a document to that effect.
- (7) A person receiving a notice pursuant to the preceding paragraph or preparing a document pursuant to the preceding paragraph must send the relevant notice or a copy of the document regarding the preparation to the prefectural governors who have jurisdiction over the area in which the class-2 project should be implemented.
- (8) The class-2 project relating to the notice or preparation of a document pursuant to paragraph (6), is deemed to be taken measures pursuant to paragraph (3), item (i) at the time of the relevant notice or preparation of the document.
- (9) In order to ensure that a judgment is made properly concerning the type and scale of a class-2 project and the environmental conditions and the other conditions of the area in which the class-2 project will be implemented and surrounding area, the competent minister (when the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister) is to consult with the Minister of the Environment on the criteria to be used in making the judgment and is to establish the order of the competent ministry.

Chapter III Scoping Documents

(Preparation of a Scoping Document)

Article 5 (1) The project proponent must determine the area where the project set forth in the Article 3-2, paragraph (1), will be implemented and other items pursuant to the order of the competent ministry, based on the content of the a document on primary environment impact consideration when a document on primary environment impact consideration has been prepared, and considering

the opinions when they were stated pursuant to Article 3-6, and prepare the scoping document on environmental impact assessment (hereinafter referred to as a "scoping document") regarding the methods to conduct the environmental impact assessment (limited to the methods relating to survey, forecast, and evaluation) relating to the relevant projects, giving the following items (excluding the matters listed in items (iv) through (vi), when a document on primary environment impact consideration has not been prepared) pursuant to order of the competent ministry for each type of projects listed in Article 2, paragraph (2), item (i), (a) through (m):

- (i) the name and location of the project proponent (if it is a corporation, its name, the name of its representative, and the address of its principal office);
 - (ii) the purpose and contents of the target project;
 - (iii) the general conditions of the area in which the target project will be implemented (hereinafter referred to as the "target project implementation area") and of its surrounding area;
 - (iv) items listed in Article 3-3, paragraph (1), item (iv);
 - (v) opinions of the competent minister pursuant to Article 3-6;
 - (vi) views of the project proponent in response to the opinions prescribed in the preceding item;
 - (vii) the items to be considered in an environmental impact assessment of the target project as well as the survey, forecast and evaluation methods to be employed (when such methods have not yet been determined, then the items to be considered in the environmental impact assessment of the target project);
 - (viii) other matters prescribed in Order of the Ministry of the Environment.
- (2) When a project proponent intends to implement two or more target projects that are related to each other, the project proponent of those target projects may prepare one scoping document covering all the projects.

(Submission of a Scoping Document)

Article 6 (1) When a project proponent preparing a scoping document, the project proponent, pursuant to order of the competent ministry prescribed for each type of projects listed in Article 2, paragraph (2), item (i), (a) through (m), must submit the scoping document and a summary thereof (referred to as the "summary" in the next Article) to the prefectural governor and the mayors of the municipalities (including the heads of special wards; the same applies hereinafter) who have jurisdiction over the area where considered to be within the range received environmental impact by the target project.

- (2) In order to ensure that the area prescribed in the preceding paragraph is within proper range for asking opinions from the standpoint of environment conservation, regarding the environmental impact assessment of the target

project, the competent minister (when the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister), in consultation with the Minister of the Environment, is to establish the basic matters relating to the criteria for ensure that such area is proper.

(Making a Scoping Document Public and Available for Public Inspection)

Article 7 When the project proponent prepares a scoping document, for the purpose of inviting opinions regarding both the items to be considered in an environmental impact assessment of the target project as well as the survey, forecast and evaluation methods to be employed, from the standpoint of environmental conservation, the project proponent must make public the fact that a scoping document has been prepared and other matters pursuant to the Order of the Ministry of the Environment, and make the scoping document and its summary available for public inspection in the area specified in paragraph (1) of the preceding Article for one month from the date of the public notice, and make public also through using the internet or other means according to the Order of the Ministry of the Environment.

(Holding Explanatory Meetings)

Article 7-2 (1) The project proponent must hold explanatory meetings to make public the matters written in the scoping document (hereinafter referred to as "scoping document explanatory meetings") in the area prescribed in Article 6, paragraph (1), in accordance with the provisions of the Order of the Ministry of the Environment, during the period of public inspection referred to in the preceding Article. If there is no appropriate place for holding such scoping document explanatory meeting within the relevant area, the meeting may be held outside the relevant area.

(2) When the project proponent holds the scoping document explanatory meetings, the project proponent determines the date, time, and place of a scoping document explanatory meetings beforehand, and must make a public notification of the specified information by one week prior to the date when the scoping document explanatory meetings are held pursuant to the Order of the Ministry of the Environment.

(3) When the project proponent determines the plan of the date, time, and place of the scoping document explanatory meetings, the project proponent may ask the opinion of the governor who has jurisdiction over the area specified in Article 6, paragraph (1)

(4) When the project proponent cannot hold scoping document explanatory meetings that has issued a public notification pursuant to paragraph (2), due to reasons not attributable to the project proponent and specified in the Order of the Ministry of the Environment, the project proponent is not required to

hold the relevant scoping document explanatory meetings.

- (5) The matters that are essential in holding a scoping document explanatory meetings are, other than those specified in the each preceding paragraph, specified by Order of the Ministry of the Environment.

(Submission of Opinions Regarding a Scoping Document)

Article 8 (1) A person who has opinions regarding a scoping document from the standpoint of environmental conservation may state the opinions by submission of document to the project proponent, during a period that from the date of public notice as prescribed in Article 7 to the date of two weeks after the next day of termination of the period for public inspection of the scoping document specified in the same Article.

- (2) The matters that are essential in submission of opinions in the preceding paragraph are specified by Order of the Ministry of the Environment.

(Submission of Outline of Opinions Regarding a Scoping Document)

Article 9 After termination of the period specified in paragraph (1) of the preceding Article, the project proponent must submit to the prefectural governor and the mayors of municipalities who have jurisdiction over the area stipulated in Article 6, paragraph (1), a document written the outline of the opinions stated pursuant to the provisions of paragraph (1) of the preceding Article.

(Opinions of Prefectural Governor on a Scoping Document)

Article 10 (1) When a prefectural governor specifies in the preceding Article receives the document specified in the same Article, prefectural governor is to send to the project proponent the opinions in written document for the scoping document from the standpoint of environmental conservation within a time period designated by cabinet order, except in the case prescribed in paragraph (4).

- (2) In the case of the preceding paragraph, the relevant prefectural governor asks the mayors of the municipalities prescribed in the preceding Article opinions for the scoping document, from the standpoint of environmental conservation, by designating the period for submission.

- (3) In the case of paragraph (1), the relevant prefectural governor is to take into account the opinions stated by the relevant mayors of the municipalities pursuant to the preceding paragraph, as well as the opinions in written document of the preceding Article.

- (4) When the entirety of the area prescribed in Article 6, paragraph (1) is located within the limits of a city designated by one cabinet order, the mayor of the relevant city, upon receiving the document referred to in the preceding Article,

is to submit to the project proponent the opinions in writing on the scoping document, from the standpoint of environmental conservation, within a period designated by the Cabinet Order prescribed in paragraph (1).

- (5) In the case referred to in the preceding paragraph, a prefectural governor prescribed in the preceding Article, upon receiving the documents referred to in the same Article, may state to the project proponent the opinions in writing for the scoping document, from the standpoint of environmental conservation, within a period designated by the cabinet order prescribed in paragraph (1).
- (6) In the case referred to in paragraph (4), the mayor of the relevant city is to take into account the opinions written in the document referred to in the preceding Article.

Chapter IV Conducting an Environmental Impact Assessment

(Selection of Items to Be Considered in the Environmental Impact Assessment)

- Article 11 (1) When the opinions pursuant to paragraph (1), paragraph (4), or (5) of the preceding Article are stated, the project proponent, while taking into account the opinions, as well as the opinions stated pursuant to Article 8, paragraph (1), must review the matters listed in Article 5, paragraph (1), item (vii), and must select both the items to be considered in an environmental impact assessment of the target project as well as the survey, forecast and evaluation methods, pursuant to order of the competent ministry prescribed for each type of projects listed in Article 2, paragraph (2), item (1), (a) through (m).
- (2) When the project proponent finds it necessary for making selections pursuant to the preceding paragraph, the project proponent may submit in writing a request for issuance of documents stating the technical advice to the competent minister.
- (3) The competent minister must ask opinions to the Minister of the Environment in advance, when the competent minister issues a document that provides technical advice in response to the request of the project proponent as prescribed in the preceding paragraph.
- (4) With a view to ensuring the matters set forth in the items under Article 14 of the Basic Environment Act (Act No. 91 of 1993), order of the competent ministry referred to in paragraph (1) is established by the competent minister (if the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister) in consultation with the Minister of the Environment, in order to establish guidelines for both the selection of the items for environmental impact assessment as found to be necessary for the proper implementation of environmental impact assessment for the target project and the methods for the reasonable performance of survey, forecast and evaluation relating to the relevant items, based on the already existing scientific

knowledge.

(Conducting an Environmental Impact Assessment)

Article 12 (1) The project proponent, based on the items and methods selected pursuant to the provisions of paragraph (1) of the preceding Article, must conduct an environmental impact assessment for the target project in accordance with an order of the competent ministry in each type of project specified by Article 2, paragraph (2), item (i), (a) through (m).

(2) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to order of the competent ministry referred to in the preceding paragraph. In this case, the phrase "guidelines for the both selection of the items for environmental impact assessment and the methods for the reasonable performance of survey, forecast and evaluation" is deemed to be replaced with "guidelines relating to measures for environmental conservation."

(Publication of Basic Matters)

Article 13 The Minister of the Environment, in consultation with the head of the relevant administrative organs, must establish the basic matters relating to the guidelines to be issued by the competent minister (when the competent minister is the head of external bureau of Cabinet Office, the Prime Minister) pursuant to the provisions of Article 11, paragraph (4) (including as applied to mutatis mutandis pursuant to paragraph (2) of the preceding Article), and is to make them public.

Chapter V Draft Environmental Impact Statement (Draft EIS)

(Preparation of Draft Environmental Impact Statement)

Article 14 (1) After conducting an environmental impact assessment relating to the target project pursuant to the provisions of Article 12, paragraph (1), the project proponent, in preparation for asking opinions from the standpoint of environmental conservation, regarding the results of the environmental impact assessment, must prepare a draft environmental impact statement (hereinafter referred to as a "draft EIS") in which the following matters relating the relevant result are to be written, in accordance by order of the competent ministry applicable to the types of projects referred to in Article 2, paragraph (2), item (i), (a) through (m):

- (i) matters listed in Article 5, paragraph (1), items (i) through (vi);
- (ii) an outline of the opinions referred to in Article 8, paragraph (1);
- (iii) opinions of the prefectural governors as referred to in Article 10, paragraph (1), or opinions by the mayor of the city designated by cabinet order referred to in paragraph (4) of the same Article, and the opinions that

- the prefectural governor state, if any, as referred to in paragraph (5) of the same Article;
- (iv) views of the project proponent relating to the opinions referred to in the preceding two items;
 - (v) items for the environmental impact assessment and the methods for the survey, forecast and evaluation;
 - (vi) the contents of the technical advice received, if any, referred to in Article 11, paragraph (2);
 - (vii) among of the results of the environmental impact assessment, the following matters:
 - (a) a summary classifying the outline of the results of survey and the results of forecast and evaluation into each item in the environmental impact assessment (including those relating to items in which the content and extent of the environmental impact did not become clear even though an environmental impact assessment was conducted);
 - (b) measures for environmental conservation (including details of consideration why the relevant measures were taken);
 - (c) measures for understanding the concerned situation of the environment, when the measures described in (b) are taken in accordance with environmental conditions that are to appear in the future;
 - (d) an overall evaluation of the environmental impact relating to the target project.
 - (viii) when the environmental impact assessment has been consigned in whole or in part to another person, the name and address of that person (if the person is a corporation, its name, the name of its representative, and the location of the principal office);
 - (ix) other particulars specified in Order of the Ministry of the Environment.
- (2) The provisions of Article 5, paragraph (2) apply mutatis mutandis pursuant to the preparation of the draft EIS.

(Submission of a Draft EIS)

Article 15 If a project proponent prepares a draft EIS, the project proponent, pursuant to order of the competent ministry prescribed in Article 6, paragraph (1), must submit a draft EIS and a summary thereof (referred to as the "summary" in the next Article) to a prefectural governor (hereinafter referred to as "related prefectural governor") and to mayors of municipalities (hereinafter referred to as "related mayors") who have jurisdiction over the area (including such area, hereinafter referred to as "related area," where is recognized to be added to the area, prescribed in Article 6, paragraph (1), on the basis of opinions stated pursuant to Article 8, paragraph (1) and Article 10, paragraph (1), (4) or (5) and also on the basis of the results of the

environmental impact assessment conducted pursuant to Article 12, paragraph (1)), where considered to be within the range received environmental impact by the target project.

(Making a Draft EIS Public and Available for Public Inspection)

Article 16 After the project proponent submits a draft EIS pursuant to the preceding Article, for the purpose of inviting opinions regarding the results of the environmental impact assessment related to the draft EIS, from the standpoint of environmental conservation, the project proponent must make a public notice on the fact that a draft EIS has been prepared and other matters pursuant to the Order of the Ministry of the Environment, and make a draft EIS and the summary available for public inspection in the related area for one month from the date of the public notice, and make public also through using the internet or other means according to the Order of the Ministry of the Environment.

(Holding Explanatory Meetings)

Article 17 (1) The project proponent must hold an explanatory meeting to make public the matters written in the draft EIS (hereinafter referred to as a "draft EIS explanatory meeting") in the area, during the period of public inspection referred to in the preceding Article. If within the relevant area there is no appropriate place for holding such a draft EIS explanatory meeting, the meeting may be held outside the relevant area.

(2) The provisions of Article 7-2, paragraphs (2) through (5) apply mutatis mutandis pursuant to the case in which the project proponent holds a draft EIS explanatory meeting pursuant to the provisions of the preceding paragraph. In this case, the phrase "the area prescribed in Article 6, paragraph (1)" in paragraph (3) of the relevant Article is deemed to be replaced with "related area prescribed in Article 15"; the phrase "paragraph (2)" in paragraph (4) of the relevant Article is deemed to be replaced with "paragraph (2) as applied mutatis mutandis pursuant to Article 7-2, paragraph (2)"; and the phrase "the preceding paragraphs" in paragraph (5) of the relevant Article is deemed to be replaced with "the preceding paragraph (3) as applied mutatis mutandis pursuant to Article 17, paragraphs (1) and (2)."

(Submission of Opinions regarding a Draft EIS)

Article 18 (1) A person who has opinions regarding a draft EIS from the standpoint of environmental conservation may submit such opinions to the project proponent during a period that is to commence on the date that the public notice is made as prescribed in Article 16 and that is to end two weeks after the day following the date of termination of the period for public

inspection of the draft EIS as set forth in the same Article.

- (2) The necessary matters in respect of the submission of opinions as prescribed in the preceding paragraph are specified by Order of the Ministry of the Environment.

(Submission of Outline of Opinions on the Draft EIS)

Article 19 After termination of the period referred to in paragraph (1) of the preceding Article, the project proponent must submit to the related prefectural governor and related mayors, a document outlining both the opinions stated pursuant to the same paragraph and proponent's views for the relevant opinions.

(Opinions of Related Prefectural Governors and Others on the Draft EIS)

Article 20 (1) When a document has been submitted pursuant to the preceding Article, the related prefectural governor is to state in writing the opinions for the draft EIS to the project proponent, from the standpoint of environmental conservation, within a period to be designated by cabinet order, except in the case prescribed in paragraph (4).

- (2) In the case of the preceding paragraph, the related prefectural governors are to ask opinions for the draft EIS, from the standpoint of environmental conservation, to the mayors of the municipalities, by designating the period for submission.
- (3) In the case of the paragraph (1), the related prefectural governor is to take into account the opinions submitted by the relevant related mayors pursuant to the preceding paragraph, as well as the opinions and project proponent's view written in the documents referred to in the preceding Article.
- (4) When the entirety of the area is located within the limits of one city designated by one cabinet order prescribed in Article 10, paragraph (4), the mayor of the relevant city, upon receiving the document referred to in the preceding Article, is to submit to the project proponent the opinions in writing on the draft EIS, from the standpoint of environmental conservation, within a period designated by the cabinet order prescribed in paragraph (1).
- (5) In the case of the preceding paragraph, the related prefectural governor, upon receiving the documents referred to in the preceding Article, may state to the proponent the opinions in writing for the draft EIS, from the standpoint of environmental conservation, within a period designated by the cabinet order prescribed in paragraph (1).
- (6) In the case of paragraph (4), the related mayor of the city is to take into account the opinions and project proponent's view written in the documents of the preceding Article.

Chapter VI Environmental Impact Statement

Section 1 Preparation of an Environmental Impact Statement

(Preparation of an Environmental Impact Statement)

Article 21 (1) The project proponent must review the matters written in a draft EIS, when the opinions are submitted pursuant to paragraph (1), (4) or (5) of the preceding Article, while taking into account these opinions given as well as the opinions given under Article 18, paragraph (1), and when the project proponent finds it necessary to revise the relevant matters (limited to when the project after such revision falls under the target project) the project proponent must take measurements specified in the relevant items in accordance to the criteria of revision listed in the following items:

- (i) revision of the matters referred to in Article 5 paragraph (1), item (ii) (except reduction of the scale of the project, minor revisions as defined by cabinet order, and other revisions as defined by cabinet order): to go through environmental impact assessment and other procedures as provided for in Articles 5 through 27;
 - (ii) revision of the matters referred to in Article 5, paragraph (1) item (i), or in Article 14, paragraph (1), items (ii) through (iv), item (vi), or (viii) (except the cases that fall under the preceding item): to conduct an environmental impact assessment and other procedures as provided for in the following paragraph and in provision of the following Article through Article 27;
 - (iii) other than those prescribed in the two preceding items: to conduct an environmental impact assessment for the relevant revised parts of the target project, pursuant to order of the competent ministry referred to in Article 11, paragraph (1) and in Article 12, paragraph (1).
- (2) The project proponent, except for cases to which the provisions of item (i) of the preceding paragraph are to be applied, must prepare the environmental impact statement (hereinafter referred to as "EIS" in Article 26 and in Articles 29 and 30), in accordance with order of the competent ministry applicable to the types of projects referred to in Article 2, paragraph (2), item (i), (a) through (m), describing the following matters related to the results of the environmental impact assessment conducted and one relating to the draft EIS in where an environmental impact assessment was conducted pursuant to the provisions of item (iii) of the preceding paragraph; and describing the following matters related to the results of environmental impact assessment relating to the draft EIS in case an environmental impact assessment was not conducted pursuant to the provisions of the same item:
- (i) matters listed in items (i) through (viii) in Article 14, paragraph (1);
 - (ii) an outline of opinions referred to in Article 18, paragraph (1);
 - (iii) opinions of a related prefectural governor referred in the preceding Article,

- paragraph (1), or opinions of the mayor of the cities designated by the cabinet order referred to in paragraph (4) of the same Article, and when the related prefectural governor stated any opinions referred to in paragraph (5) of the same Article, such opinions;
- (iv) the project proponent's views for the opinions referred to in the two preceding item.

(Submission to Issuers of License)

Article 22 (1) After preparing an EIS, the project proponent must promptly submit it to persons designated in the following items, according to the category of the EIS listed in the relevant items:

- (i) an EIS relating to a target project falling under Article 2, paragraph (2), item (ii), (a) (limited only related to license, etc.): the issuer of the relevant license, etc.;
 - (ii) an EIS relating to a target project falling under Article 2, paragraph (2), item (ii), (a) (limited only related to special notification): the recipient of a special notification;
 - (iii) an EIS relating to a target project falling under Article 2, paragraph (2), item (ii), (b): the grant decision-maker;
 - (iv) an EIS relating to a target project falling under Article 2, paragraph (2), item (ii), (c): the corporate supervisor;
 - (v) an EIS relating to a target project falling under Article 2, paragraph (2), item (ii), (d): the person specified in Article 4, paragraph (1), item (iv);
 - (vi) an EIS relating to a target project falling under Article 2, paragraph (2), item (ii), (e): the person specified in Article 4, paragraph (1), item (v).
- (2) When the person designated in the preceding paragraph (except for the Minister of the Environment) is a person listed in the following items, that person, after receiving the EIS, must promptly take the measures specified in the following items:
- (i) the Prime Minister or the minister of a ministry, or a minister of state serving as the head of a committee: to submit a copy of the relevant EIS to the Minister of the Environment and to seek the opinions thereon;
 - (ii) the head of a committee or an agency (excluding the minister of state), or the head of a local branch of the administrative organ of the national government: to seek the opinions of the Minister of the Environment by submitting the copy of the relevant EIS to the Minister of the Environment through the Prime Minister or another minister that serves as the head of Cabinet Office, Ministry or committee which the committee or the agency or the local branch is establishing thereunder.

(Opinions of the Minister of the Environment)

Article 23 When measures are taken pursuant to the provisions of items of paragraph (2) of the preceding Article, the Minister of the Environment may state, as necessary, within a period designated by cabinet order, the opinions in writing for the EIS, from the standpoint of environmental conservation, to the persons listed in the items of the same paragraph. In this case, the opinions to be stated to the person referred to in item (ii) of the same paragraph are stated through the Prime Minister or other minister as stipulated in the same item.

(Advice of the Minister of the Environment)

Article 23-2 When a person referred to the items of Article 22, paragraph (1) is a local government or other corporation defined by public law as well as specified by cabinet order (hereinafter in this Article referred to as "local government etc."), the relevant head of local government, after receiving an EIS, when the the head finds it is necessary to express opinions in writing, pursuant to the following Article, from the standpoint of environmental conservation, must endeavor to seek advice from the Minister of the Environment by sending a copy of the relevant EIS.

(Opinions of the Issuers of License)

Article 24 When receiving an EIS submitted pursuant to the provisions of Article 22, paragraph (1), the person listed in items of the Article 22, paragraph (1) may, as necessary, and within a period designated by cabinet order, to the project proponent, state the opinions for the EIS in writing, from the standpoint of environmental conservation. In this case, when the Minister of the Environment has expressed any opinions pursuant to Article 23, the relevant person must take the opinions into account.

Section 2 Correction of an Environmental Impact Statement

(Review and Correction of the EIS)

Article 25 (1) When the opinions referred to in the preceding Article are stated, the project proponent must take them into account and review the matters dealt within the EIS, and if the project proponent agrees such matters need to be revised (limited in the case that the project would fall in a target project after such revision), the project proponent must take measures stipulated in items according to the classifications of the relevant revision listed in the following items:

- (i) revising matters listed in Article 5, paragraph (1), item (ii) (excluding reduction of the scale of the project, and those falling under the minor revisions as defined by cabinet order and other revisions as defined by

- cabinet order): to take the step of conducting an environmental impact assessment and other procedures prescribed in Articles 5 through 27;
- (ii) revising matters listed in Article 5, paragraph (1), item (i), in Article 14, paragraph (1), items (ii) through (iv), (vi) or (viii), or in Article 21, paragraph (2), items (ii) through (iv) (excluding those falling under the preceding item): to make necessary corrections on the EIS;
 - (iii) other than those listed in the two preceding items: to conduct an environmental impact assessment for the part related to the relevant revision in the target project, pursuant to the provisions of the order of the competent ministry referred to in Article 11, paragraph (1) and in Article 12, paragraph (1).
- (2) When an environmental impact assessment was conducted pursuant to the provisions of item (iii) of the preceding paragraph, the project proponent must correct the EIS, pursuant to the order of the competent ministry in the each type of projects referred to in Article 2, paragraph (2), item (i), (a) through (m), based on the results of the relevant environmental impact assessment and the environmental impact assessment relating to EIS.
- (3) The project proponent, except when falling under paragraph (1), item (i), must send an EIS after the correction pursuant to the provisions of item (ii) of the same paragraph or the preceding paragraph (when it is found that corrections are not necessary, then a notice to that effect), according to the categories of the EIS listed in items of Article 22, paragraph 1, to the persons specified in the relevant items.

(Submission of the EIS to the Minister of the Environment)

Article 26 (1) When the person designated in the items of Article 22, paragraph (1) (excluding the Minister of the Environment) is a person listed in the following items, that person, after receiving a submission or notice pursuant to the provisions of paragraph (3) of the preceding Article, must take the measures specified in the following items:

- (i) the Prime Minister or the minister of a ministry, or a minister of state serving as the head of a committee: To send to the Minister of the Environment a copy of the corrected EIS pursuant to the provisions of paragraph (3) of the preceding Article, and inform receiving the notice pursuant to the provisions of the same paragraph;
- (ii) the head of a committee (excluding a minister of state) or the head of agency or the head of a local branch of an administrative organ of the national government is to: (a) submit to the Minister of the Environment a copy of the corrected EIS pursuant to the provisions of paragraph (3) of the preceding Article, through the Prime Minister or the minister of ministry who serves as the head of the Cabinet Office, or Ministry or committee which

the committee or the agency or the local branch is establishing thereunder, and to inform receiving the notice pursuant to the provisions of the same paragraph.

- (2) When making a submission or notice pursuant to the provisions of paragraph (3) of the preceding Article, the project proponent must promptly submit to the related prefectural governors and related mayors the EIS (the corrected EIS, when the EIS is corrected pursuant to the provisions of paragraph (1), item (ii) or paragraph (2) of the same Article, the same applies to the following Article and Articles 33 through 38), a document summarizing the EIS, and the documents specified in Article 24 (in the following Article and Article 41, paragraphs (2) and (3), referred to as "EIS, etc.")

(Making an EIS Public and Available for Public Inspection)

Article 27 The project proponent, when making a submission or notice pursuant to the provisions of Article 25, paragraph (3), must make a public notice, pursuant to the Order of the Ministry of the Environment, on the fact that an EIS has been prepared and other items pursuant to the Order of the Ministry of the Environment, and must make the EIS, etc. available for public inspection in the related area for one month from the date of the public notice, and make public also through the use of the internet or other means, according to the Order of the Ministry of the Environment

Chapter VII Revising the Contents of a Target Project

(Environmental Impact Assessment and Other Procedures When the Contents of a Project Are Amended)

Article 28 When a project proponent intends to revise the matters listed in Article 5, paragraph (1), item (ii) during the period between a public notice provided by Article 7 and a public notice provided by the preceding Article (excluding for the case where the provisions of Article 21, paragraph (1) or of Article 25, paragraph (1) are applied), and if the project falls under the target project after such revision, the project proponent must pass through an environmental impact assessment for the project after the relevant revision, and other procedures pursuant to Articles 5 through 27; provided, however, that this provisions do not apply when the relevant revision falls under the category of reducing the scale, minor revisions as defined by cabinet order, or other revisions of the project as defined by cabinet order.

(Judgment Relating to a Class-2 Project in the Case of Revision of the Project Content)

Article 29 (1) When a project proponent intends to revise the matters listed in

Article 5, paragraph (1), item (ii), during the period between a public notice provided by Article 7 and a public notice provided by Article 27, in the case the project falls under a class-2 project after revision, the project proponent may submit a notification concerning the project after revision, in accordance with the provisions of Article 4, paragraph (1).

(2) The provisions of Article 4, paragraphs (2) and (3) apply *mutatis mutandis* to a notification under the preceding paragraph. In this case, the term "other procedures" in the same Article, paragraph (3), item (i) is deemed to be replaced with "other procedures (except those conducted by the time of the relevant notification)".

(3) When the measures under provisions of Article 4, paragraph (3), item (ii) as applied *mutatis mutandis* as provided for by the preceding paragraph, the person filing a notification in accordance with paragraph (1) must provide notice thereof to the person who received the scoping document, a draft EIS, or an EIS from the relevant project proponent, and must make a public notice in accordance with the Order of the Ministry of the Environment.

(Abandonment of a Target Project)

Article 30 (1) When a project proponent falls under the following cases during the period between a public notice provided by Article 7 and a public notice provided by the Article 27, the project proponent must provide notice thereof to the person receiving a scoping document, a draft EIS, or an EIS from the relevant project proponent, and must make a public notice thereof in accordance with the Order of the Ministry of the Environment:

- (i) when the project proponent decided not to implement the target project;
- (ii) as a result of the revision of the matters listed in Article 5, paragraph (1), item (ii), the project does not fall under either a class-1 project or a class-2 project;
- (iii) the implementation of the target project is transferred to another person.

(2) In the case of item (iii) of the preceding paragraph, when a project transferred to another person is a target project, any environmental impact assessment and any other procedures that were conducted by the project proponent prior to the transfer before the public notice date referred to in the same paragraph are deemed to have been implemented by the new project proponent, and any environmental impact assessment and other procedures that were conducted for the prior project proponent before the transfer are deemed to be implemented for the new project proponent.

Chapter VIII Procedures after Public Notice and Public Inspection of an Environmental Impact Statement

(Restrictions on the Implementation of a Target Project)

- Article 31 (1) A project proponent must not implement a target project (in the case of the revision pursuant to the provisions of Article 21 paragraph (1), or Article 25, paragraph (1), or Article 28, when the revised project fall under a target project, the relevant revised project) until the relevant project proponent issues a public notice prescribed in Article 27.
- (2) When a project proponent intends to modify matters referred to in Article 5, paragraph (1), item (ii) after the relevant project proponent has issued a public notice prescribed in Article 27, the project proponent is not required to conduct an environmental impact assessment or follow other procedures pursuant to the provisions of this Act, when the relevant modification falls under the category of reduction of the scale of the project, minor modification as defined by cabinet order, or other modification as defined by cabinet order.
- (3) The provisions of paragraph (1) are applied *mutatis mutandis* to a person (except a project proponent who, pursuant to the provisions of the preceding paragraph (2), is not required to go through an environmental impact assessment or other procedures) who intends to implement a target project after modifying matters listed in Article 5, paragraph (1), item (ii) after the relevant project proponent has issued a public notice under the provisions of Article 27. In this case, the term "public notice" in paragraph (1) is deemed to be replaced with "public notice (limited to a public notice that the relevant project proponent issues in pursuant to the provisions of the same Article and also after going through an environmental impact assessment and following other procedures pursuant to the provisions of this Act)."
- (4) When a project proponent transfers the implementation of a target project to another person after the relevant project proponent has issued a public notice under the provisions of Article 27, the project proponent must issue the public notice of this in accordance with the Order of the Ministry of the Environment. In this case, the provisions of paragraph (2) of the preceding Article are applied *mutatis mutandis* to the relevant transfer.

(Additional Environmental Impact Assessment and Other Procedures After a Public Notice on an EIS)

- Article 32 (1) Upon making a public notice under the provisions of Article 27, due to changes in the environmental conditions of the target project implementation, and the surrounding area or other due to special circumstances, when the project proponent finds it necessary to modify the matters listed in Article 14, paragraph (1), item (v) or (vii) in order to ensure due consideration for environmental conservation in implementing the target project, the project proponent may conduct an additional environmental impact assessment and other procedures relating to the target project after

modification, pursuant to the provisions of Articles 5 through 27 or Articles 11 through 27.

- (2) When a project proponent intends to conduct an environmental impact assessment or other procedures pursuant to the preceding paragraph, the project proponent must issue public notice of this without delay in accordance with the Order of the Ministry of the Environment.
- (3) The provisions of Articles 28 through the preceding Article are applied mutatis mutandis to a target project for which an environmental impact assessment and other procedures are conducted pursuant to the provisions of the paragraph (1). In this case, the term "public notice" in paragraph (1) of the same Article is deemed to be replaced with "public notice (limited to public notices made after an environmental impact assessment and other procedures are conducted pursuant to the paragraph (1) of the following Article)".

(Review for a License on the Consideration for the Environmental Conservation)

Article 33 (1) The issuer granting the license, etc., for a target project must, in examining the relevant license, etc., based on the matters described in the EIS and the documents specified by Article 24, whether due consideration will be given to the environmental conservation in the target project.

- (2) In the case referred to in the preceding paragraph, in accordance with the classification of the relevant licenses, etc. (excluding those specified in the following paragraph) listed in the following items, those are defined pursuant to the provisions of each relevant item:
 - (i) a license, etc. pertaining to provisions of act to the effect that license, etc. is to be granted where certain criteria are satisfied and also pertaining to what are specified by cabinet order: Notwithstanding the provisions relating to the relevant license, etc., issuer granting such license, etc. is to make a determination, based on the results of both reviews for the relevant standards set forth in the relevant provisions and for the environmental conservation pursuant to the provisions of the preceding paragraph. In even if that fall under the relevant standards, the issuer may issue the disposition refusing such license, etc., based on the relevant determination, or may attach any necessary conditions to the relevant license, etc.;
 - (ii) a license, etc. pertaining to provisions of act to the effect that license, etc. is to not be granted where certain criteria are satisfied and also pertaining to what are specified by cabinet order : Notwithstanding the provisions relating to the relevant license, etc., issuer granting such license, etc. makes a determination, falling under the relevant standards set forth in the relevant provisions, based on results of both reviews of the benefits of implementing the target project and for the environment conservation pursuant to the

provisions of the preceding paragraph. Even if it falls under the relevant standards, the issuer may issue the disposition refusing such license, etc., based on the relevant determination, or may attach any necessary conditions to the relevant license, etc.;

- (iii) a license, etc. pertaining to provisions of act to the effect that license, etc. (limited to the license, etc. related to the provisions of act pertaining to the relevant license, etc.; these provisions are specified by cabinet order) is to be granted or not be granted where certain criteria are not satisfied and also pertaining to what are specified by order: The issuer granting such license, etc. makes a determination, based on results of both reviews of the benefits of implementing the target project and for the environment conservation pursuant to the provisions of the preceding paragraph, and may issue the disposition refusing such license, etc., based on the relevant determination, or may attach any necessary conditions to the relevant license, etc.
- (3) A person responsible for issuing license, etc. pertaining to a target project in accordance with the provisions of an act designating that the relevant license, etc. must not be issued, unless proper care is taken regarding environmental conservation in implementing the target project, on the basis of the items in an EIS and the documents referred to in Article 24, is to conduct a review regarding environmental conservation in accordance with the relevant provisions of the act.
- (4) The provisions in the preceding items apply *mutatis mutandis* to any license, special permission, permission, authorization, approval, or consent relating to a target project that is referred to in Article 2, paragraph (2), item (ii), (e) (limited only to projects referred to in the same item (ii), (e)).

(Review for the Consideration for Environmental Conservation in a Special Notification)

- Article 34 (1) A person receiving a special notification of a target project is to, based on the matters described in the EIS and the documents referred to in Article 24, review whether due consideration is given for environmental conservation to the target project, and when the person finds that such consideration is lacking, notwithstanding the provisions of the act concerning the special notification, the person may issue a recommendation or an order which requires to modify the matters in the relevant special notification, within a period which such recommendation or order may be issued as specified by the relevant provisions (if an EIS has not been received at the time of receiving the special notification, within the relevant period from the notification date), to the person filed the relevant special notification.
- (2) The provisions of the preceding paragraph applied *mutatis mutandis* to a notification of the same item (e), relating to a target project falling under

Article 2, paragraph (2), item (ii), (e).

(Review by the Grant Decision-Maker for the Environmental Conservation)

Article 35 The grant decision-maker responsible for a target project based on the matters described in an EIS and the documents referred to in Article 24, must review whether due consideration is given to environmental conservation in the target project. In this case, the relevant review is made as an investigation pursuant to Article 6, paragraph (1) of the Act on Regulation of Execution of Budget Pertaining to Subsidies.

(Review by a Corporate Supervisor for Environmental Conservation)

Article 36 A corporate supervisor responsible for a target project must, based on the matters described in an EIS and the documents referred to in Article 24, review whether due consideration is given to environmental conservation in the target project, and must ensure that such due consideration is given, through supervision of the relevant corporation.

(Review by the Competent Minister for Environmental Conservation)

Article 37 A competent minister responsible for a target project specified in Article 4, paragraph (1), item (iv) or (v) must, based on the matters described in an EIS and the documents referred to in Article 24, review whether due consideration is given to environmental consideration in the target project, and must ensure that such due consideration is given.

(Consideration to be Given by the Project Proponent for Environmental Conservation)

Article 38 (1) The project proponent must implement a target project giving due consideration for environmental conservation in accordance with the contents described in the EIS.

(2) When a person responsible for the review for environmental conservation under this Chapter serves concurrently as the project proponent, the relevant person must endeavor the employees engaging in the business relating the relevant review procedure, to engage in business relating to the implementation of the relevant project.

(Report on Measures for Environmental Conservation)

Article 38-2 (1) The project proponent who issued a public notice under the provisions of Article 27 (when the relevant project proponent transferred the project prior to the implementation of the business, the relevant new project proponent) must, pursuant to order of the competent ministry specified in each type of projects set forth in Article 2, paragraph (2), item (i), (a) through (m)

prepare a report (hereinafter referred to as "report") that describes measures taken in the implementation of the project, referred to in Article 14, paragraph (1), item (vii) , (b) (limited to those relating to the environment where it is found that the conservation is necessary because it is difficult to be recovered, but the effectiveness is not certain, stipulated in Order of the Ministry of the Environment), the measures referred to in item (vii), (c), and measures taken in the implementation of the relevant project, in accordance with the environmental situation that has become known as a result of the measure referred to in item (vii), (c).

(2) The order of the competent ministry, referred to in the preceding paragraph, is established by the competent minister (when the competent minister is the head of Cabinet Office's external bureau, the Prime Minister) in consultation with the Minister of the Environment, in order to establish guidelines for preparing a report.

(3) In consultation with the heads of relevant administrative organs, the Minister of the Environment is to define and publish basic matters relating to the guidelines to be established by the competent minister (if the competent cabinet minister is the head of Cabinet Office's external bureau, the Prime Minister) pursuant to the provisions of the preceding paragraph.

(Submission and Publication of a Report)

Article 38-3 (1) When the project proponent referred to in the preceding Article, paragraph (1) prepares a report, the project proponent must send the report to the person receiving the EIS specified by Article 21, paragraph (2), pursuant to Article 22, paragraph (1), and must publish the report in accordance with the Order of the Ministry of the Environment.

(2) The provisions of Article 22, paragraph (2) are applied *mutatis mutandis* to the case in which a person designated in any of the items in the paragraph (1) of same Article, (except for the Minister of the Environment) pursuant to the provisions of the preceding paragraph receives the report.

(Opinions of the Minister of the Environment)

Article 38-4 When measures are taken pursuant to the provisions of each item of Article 22, paragraph (2) that are applied *mutatis mutandis* in the preceding Article, paragraph (2), the Minister of the Environment may state the opinions for the report in writing express, as necessary, and within a period to be designated by cabinet order, from the standpoint of the environmental conservation, to the person listed in each items of the same paragraph. In this case, the opinions to the person referred to in item (ii) of the same paragraph are stated through the Prime Minister or another minister as specified by the same item.

(Opinions of the Issuers of Licenses)

Article 38-5 Upon receiving a written report submitted pursuant to the provisions of Article 38-3, paragraph (1), the persons listed in each item of Article 22, paragraph (1) may, as necessary, and within a period designated by cabinet order, state the opinions in writing to the project proponent referred to in Article 38-2, paragraph (1), item (i), from the standpoint of environmental conservation, regarding the report. In this case, when the Minister of the Environment has stated any opinions pursuant to the preceding Article, the persons must take into consideration such opinions.

Chapter IX Special Provisions for an Environmental Impact Assessment and Other Procedures

Section 1 Special Provisions for Target Project Specified in City Plan

(Class-1 or Class-2 Projects Stipulated in the City Plan)

Article 38-6 (1) Regarding a class-1 project stipulated in a city plan pursuant to the City Planning Act (Act No. 100 of 1968) as an urban development project prescribed in the provisions of Article 4, paragraph (7) of the same Act (hereinafter referred to as "urban development project"), or a class-1 project which urban facilities are stipulated in the city plan pursuant to the provisions of the same Act as the urban facilities prescribed in Article 4, paragraph (5) of the same Act (hereinafter referred to as "urban facilities"), the examination of items for a primary environmental impact consideration at the early stage and other procedures pursuant to the provisions of Article 3-2 through Article 3-9 as well as environment impact assessment and other procedures pursuant to the provisions of Articles 5 through Article 38 is conducted, pursuant to paragraph (3), Article 40 paragraph (2), Article 41, Article 43, Article 44 paragraphs (1), (2) and (5) through (7), and Article 46, instead of the project proponent who intends to implement the class-1 project, in conjunction with making a decision or revision of the city plan relating to the relevant class-1 project or the relevant urban facilities, by the person who makes the decision or revision in the relevant city plan, (hereinafter collectively referred to as "city plan stipulator") in the prefectures and municipalities referred to in Article 15, paragraph (1), or in the designated cities referred to in Article 87-2, paragraph (1) (in the case of Article 22, paragraph (1) of the same Act, the Minister of Land, Infrastructure, Transport and Tourism prescribed in the same paragraph or the municipalities (pursuant to the provisions of Article 85-2 of the same Act, when the authority of the Minister of Land, Infrastructure, Transport and Tourism referred to in Article 22, paragraph (1) of the same Act is delegated to either the director of the Regional Development Bureau or the

director of the Hokkaido Regional Development Bureau, the director of the relevant Regional Development Bureau or the director of the Hokkaido Regional Development Bureau)), or in the municipalities making the decision or revision in city plan with the provisions of Article 51, paragraph (1) of the Act on Special Measures Concerning Urban Renaissance (Act No. 22 of 2002). In this case, the provisions in Article 3-3, paragraph (2), Article 3-9, paragraph (1) item (iii) and paragraph (2), Article 5, paragraph (2), Article 14, paragraph (2), and Article 30, paragraph (1) , item (iii) and paragraph (2) do not apply.

(2) Regarding a class-2 project stipulated in city plan pursuant to the City

Planning Act as an urban development project prescribed in the provisions of the same Act, or a class-2 project which urban facilities are stipulated in city plan pursuant to the provisions of the same Act as the urban facilities, the examination of items for a primary environmental impact consideration at the early stage and other procedures referred to in Chapter II, Section 1, may be performed by a city plan stipulator relating to the relevant city plan instead of the project proponent who intends to implement the relevant class-2 project, pursuant to the following paragraph, Article 44, paragraphs (3) and (4). In this case, Article 3-3, paragraph (2), and Article 3-9, paragraph (1), item (iii) and paragraph (2), which are applied pursuant to the provisions of Article 3-10, paragraph (2), are not applied.

(3) Regarding the application of the provisions of Chapter 2II, Section 1 (except Article 3-3, paragraph (2), and Article 3-9, paragraph (1) item (iii) and paragraph (2)) if a city plan stipulator conducts the examination of items for a primary environmental impact consideration at the early stage and other procedures pursuant to the provisions of paragraph (1) or the preceding paragraph, the phrase "...a class-1 project, a person who intends to implement a project (for a project carried out by the national government, the head of the administrative organ (including local branch office) which intends to implement the target project for a target project carried out by the national government) or the person who intends to entrust for a target project in the case of entrustment; the same applies hereinafter)" in Article 3-2, paragraph (1), is deemed to be replaced with "a class-1 project related to a city plan where the relevant class-1 project or related urban facilities are stipulated in the relevant city plan pursuant to the provisions of the City Planning Act (Act No. 100 of 1968) (hereinafter referred to as "class-1 project in a city plan"), a city plan stipulator referred to in Article 38-6, paragraph 1 (hereinafter referred to as a "city plan stipulator")"; the phrase "a person who intends to implement a class-1 project" in Article 3-3, paragraph (1), is deemed to be replaced with "a city plan stipulator"; the phrase "The name and address of the person who intends to implement a class-1 project (in the case of a corporation, its name, the name of its representative, and the address of its principal office)" in the

same paragraph is deemed to be replaced with "its name"; the term "a class-1 project" in item (ii) of the same paragraph is deemed to be replaced with "class-1 project in city plan"; the phrase "a person intends to implement a class-1 project" in Article 3-4, paragraph (1), Article 3-6, Article 3-7 paragraph (1), and Article 3-9, paragraph (1) is deemed to be replaced with "a city plan stipulator"; the phrase "the class-1 project will not be implemented" in the same paragraph is deemed to be replaced with "the class-1 project in a city plan will not be stipulated into a city plan"; the phrase "a person who intends to implement a class-2 project (for a project implemented by the national government, the head of the administrative organ (including local branch office) which intends to implement the target project for a target project carried out by the national government) or a person who intends to entrust for a target project in the case of entrustment; the same applies hereinafter)" in Article 3-10, paragraph (1) is deemed to be replaced with "a city plan stipulator prescribed in Article 38-6, paragraph (2) (hereinafter in this Article referred to as "city plan stipulator regarding class-2 project"); the phrase "the person intends to implement the relevant class-2 project" is deemed to be replaced with "the relevant city plan stipulator regarding class-2 project"; the phrase "the person intends to implement the class-2 project" in the paragraph (2) of the same article is deemed to be replaced with "city plan stipulator regarding class-2 project"; the phrase "a person who is intends to implement a class-1 project" is deemed to be replaced with "a city plan stipulator"; the phrase "the provisions of Articles 3-2 through the preceding Article are applied" is deemed to be replaced with "the provisions of Article 3-2 through the preceding Article as applied by replacing terms and phrases pursuant to the provisions of Article 3-8, paragraph (3) are applied. In this case, the phrase "a class-1 project or facilities related to the class-1 project" in Article 3-2, paragraph (1) as applied by replacing the phrases pursuant to the provisions of the same paragraph are deemed to be replaced with "a class-2 project referred to in Article 40, paragraph (1),"; the phrase "a class-1 project" is deemed to be replaced with "a class-2 project, "; the phrase "a class-1 project in city plan" is deemed to be replaced with "a class-2 project, "; the phrase "a class-1 project in city plan" is deemed to be replaced with "a class-2 project in city plan, "; the term "a class-1 project in a city plan" in Article 3-3, paragraph (1), item (ii) as applied by replacing terms and phrases pursuant to the provisions of Article 38-6, paragraph (3), is deemed to be replaced with "a class-2 project in a city plan," and the phrase "a class-1 project in city plan" in Article 3-9, paragraph (1), item (i) as applied by replacing term and phrases pursuant to the provisions of Article 38-6, paragraph (3)" is deemed to be replaced with "a class-2 project in a city plan."

Article 39 (1) Regarding a class-2 project stipulated in city plan pursuant to the provisions of the City Planning Act as an urban development project prescribed in the same Act, or a class-2 project whose urban facilities are stipulated in city plan pursuant to the provisions of the same Act, submission of a notification pursuant to the provisions of Article 4, paragraph (1), (including the preparation of a document pursuant to the provisions of the latter half of this paragraph. The same applies to the following paragraph) is conducted, pursuant to the provisions of the following paragraph through paragraph (4), by a city plan stipulator related to the relevant city plan instead of the person who intends to implement the relevant class-2 project.

(2) Regarding the application of the provision of Article 4 in the case where a city plan stipulator submits a notification pursuant to the provisions of the preceding paragraph, the term "A person who intends to implement a class-2 project" in paragraph (1) in the same Article is deemed to be replaced with "a city plan stipulator, when stipulating a class-2 project or facilities related to a class-2 project in city plan in accordance with the provisions of the City Planning Act"; the term "order of the competent ministry" is deemed to be replaced with "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism"; the term "the name and location (in the case of a corporation, its name and the name of its representative, the location of its principal office)" is deemed to be replaced with "the name of the city plan stipulator"; the term "name, etc." is deemed to be replaced with "name, etc. of organization"; the term "the respective categories of class-2 project" is deemed to be replaced with "the respective categories of a class-2 project related to the relevant city plan"; the term "the person specified in" is deemed to be replaced with "the person (if the relevant city plan requires an consent pursuant to the provisions of Article 18, paragraph (3) of the City Planning Act (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act), Article 19, paragraph (3) (including as applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act, and as applied by replacing terms and phrases pursuant to the provisions of Article 22, paragraph (1) or Article 87-2, paragraph (4) of the same Act), or an consent required by the provisions of Article 51, paragraph (2) of the Act on Special Measures concerning Urban Renaissance (Act No. 22 of 2002) (hereinafter referred to as "consent to a city plan"), the Minister of Land, Infrastructure, Transport and Tourism who issues an consent to a city plan (in a case where, pursuant to the provisions of Article 85-2 in the City Planning Act or of Article 126 in the Act on Special Measures concerning Urban Renaissance, the authority, regarding consent to a city plan, of the Minister of Land, Infrastructure, Transport and Tourism is delegated to either the director of the Regional Development Bureau or the director of the Hokkaido Regional

Development Bureau, then the relevant director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau), or prefectural governor(s) (hereinafter referred to as "a person authorized to give consent to city plan") and the person(s) responsible for the type of class-2 project related to the relevant city plan according to the categories listed in each items); the phrase "when the person intends to implement a class-2 project set forth in item (iv) or (v) is the competent minister as set forth in the item (iv) or (v), the competent minister" is deemed to be replaced with "the city plan stipulator related to a city plan that does not require consent to city plan, then a person referred to in the following items"; the phrase "instead of" is deemed to be replaced with "in conjunction with"; the term "The person(s) identified" in paragraph (3) of the same Article is deemed to be replaced with "The person(s) identified, and a person authorized to give consent to city plan, or a city plan stipulator referred to in the latter half of the same paragraph"; the term "order of the competent ministry" is deemed to be replaced with "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism,"; the phrase "and the prefectural governors referred to in the preceding paragraph (regarding the latter half of paragraph (1), the prefectural governors referred to in the preceding paragraph)" in items (i) and (ii) in the same paragraph is deemed to be replaced with "the prefectural governor(s) referred to in the preceding paragraph and the person intends to implement the relevant class-2 project (in the case of the latter half of paragraph (1), the prefectural governor(s) referred to in the preceding paragraph and the person intends to implement the relevant class-2 project"; the phrase "intends to implement the relevant project" in the paragraph 4 of the same Article, is deemed to be replaced with "intends to stipulate the relevant project or the facilities related to the relevant project into a city plan pursuant to the provisions of the City Planning Act"; the phrase "paragraph (3), item (ii)" is deemed to be replaced with "Article 29, paragraph (2) as applied by replacing terms and phrases pursuant to the provisions of Article 40, paragraph (2)"; the phrase "Article 3, paragraph (2)" in paragraph (5) of the same Article is deemed to be replaced with "By all of a person specified in each item of paragraph (1) and a person authorized to give consent to a city plan, or a city plan stipulator in the latter half of the same paragraph, Article 3, paragraph (2)"; the phrase "Article 29, paragraph (2)" is deemed to be replaced with "Article 29, paragraph (2) as applied by replacing terms and phrases pursuant to the provisions of Article 40, paragraph (2)"; the phrase "until a measure...is taken... (when persons prescribed in each item of paragraph (1) relating to the relevant class-2 project are two or more, until the required measures are taken by all of all persons prescribed in the relevant items)" is deemed to be replaced with "until... are taken"; the phrase "A person

intends to implement a class-2 project" in paragraph (6) of the same Article is deemed to be replaced with "a city plan stipulator"; the phrase "when the person ... is not the responsible minister as prescribed in item (iv) or (v) of the same paragraph....this Act" is deemed to be replaced with "this Act,"; the phrase "the items of the same paragraph" is deemed to be replaced with "the items of the same paragraph when the city plan related to the notification requires to obtain consent to a city plan"; the phrase "notify in writing...the persons set forth in...and when the person is the competent minister, the minister must prepare a document to that effect." is deemed to be replaced with "notify in writing the persons set forth in...and the person authorized to give consent to a city plan, and if consent to a city plan is not required, then notify in writing the persons set forth in the items of the same paragraph according to the types of class-2 project referred to in the relevant items"; the phrase "a person receiving....preparing a document pursuant to the same paragraphrelating to that notice or document" is deemed to be replaced with "a person receiving... the relevant notice"; the phrase "send the notice or the document to the prefectural governors" is deemed to be replaced with "send the notice to the prefectural governors and the person intends to implement the relevant class-2 project"; the phrase "preparation of the relevant notice or document" in paragraph (8) of the same Article 4 is deemed to be replaced with "the notice"; the term "order of the competent ministry" in paragraph (9) of the same Article is deemed to be replaced with "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism,"; the phrase "with the Minister of the Environment" is deemed to be replaced with "and the Minister of Land, Infrastructure, Transport and Tourismwith the Minister of the Environment"; the phrase "to be adopted by" in paragraph (10) of the same Article is deemed to be replaced with "to be adopted by ... and also by the Minister of Land, Infrastructure, Transport and Tourism."

- (3) When there is a document on a primary environmental impact consideration prepared by a person who intends to implement a class-2 project for which measures referred to in Article 4, paragraph (3), item (i) as applied by replacing words and phrases pursuant to the provisions of the preceding paragraph have been taken (except class-2 projects for which measures referred to in Article 4, paragraph (3), item (ii) as applied *mutatis mutandis* pursuant to the provisions of the same Article 4, paragraph (4) as applied by replacing words and phrases pursuant to the provisions of the preceding paragraph and to the provisions of Article 29, paragraph (2) as applied by replacing terms and phrases pursuant to the provisions of the following Article, paragraph (2)), the person who intends to implement the relevant class-2 project is to send the relevant document on a primary environmental impact consideration to the city plan stipulator.

- (4) In the case of the preceding paragraph, any examination of the items for a primary environmental impact consideration at the early stage and other procedures conducted by a person who intends to implement a class-2 project before submission of a document on a primary environmental impact consideration is deemed to have been conducted by the city plan stipulator, and any examination of the items for a primary environmental impact consideration at the early stage and other procedures conducted against the person who intends to implement the class-2 project is deemed to have been conducted against the city plan stipulator.

Article 40 (1) Regarding a class-2 project (limited to a target project; hereinafter the same applies in this paragraph and Article 44, paragraph (3)) stipulated in a city plan pursuant to the provisions of the City Planning Act as urban development project prescribed in the same Act, or a class-2 project whose facilities are stipulated as urban facilities in city plan pursuant to the provisions of the same Act, any procedures of the environmental impact assessment and other procedures required by the provisions of Articles 5 through 38 are conducted, pursuant to the provisions of the following paragraph, Article 41, Article 43, Article 44 and Article 46, by the city plan stipulator related to the relevant city plan, instead of the project proponent related to the relevant class-2 project, in conjunction with the procedure for making decision or revision of the city plan related to the relevant class-2 project or the related urban facilities (hereinafter referred to as "class-2 project, etc."). In this case, the provisions of Article 5, paragraph (2), Article 14, paragraph (2), Article 30, paragraph (1), item (iii) and Article 30, paragraph (1), item (iii) and paragraph (2) are not applied.

- (2) Regarding the application of the provisions of Articles 5 through 38 (except Article 5, paragraph (2), Article 14, paragraph (2), Article 30, paragraph (1), item (iii) and paragraph (2)) if a city plan stipulator conducts an environmental impact assessment and other procedures in pursuant to the provisions of Article 38-6, paragraph (1) or the preceding paragraph, the term "the project proponent" in Article 5, paragraph (1) is deemed to be replaced with "the city plan stipulator"; the phrase "the environmental impact assessment relating to the target project" is deemed to be replaced with "the environmental impact assessment relating to a class-1 project or class-2 project related to a city plan where the relevant class-1 project or related facilities referred to in Article 38-6, paragraph (1) or class-2 project, etc. referred to in Article 40, paragraph (1) (in Article 28 and Article 30, paragraph (1), item (i), referred to as a "target project, etc.") is stipulated in the relevant city plan pursuant to the provisions of the City Planning Act (hereinafter referred to as a "target project in a city plan"); the phrase "order of the competent ministry according to" is deemed to

be replaced with "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism according to"; the phrase "The name and location of the project proponent (in the case of a corporation, its name, the name of its representative, and the address of its principal office)" in the same paragraph, item (i) is deemed to be replaced with "the name of the city plan stipulator"; the term "the target project" in the same paragraph, item (ii) is deemed to be replaced with "the target project in city planning"; the phrase "in which the target project" in the same paragraph, item (iii) is deemed to be replaced with "in which the target project in city plan"; the term "the project proponent" in the same paragraph, item (vi) is deemed to be replaced with "the city plan stipulator"; the phrase "an environmental impact assessment of the target project" in the same paragraph, item (vii) is deemed to be replaced with "an environmental impact assessment of the target project in city plan"; the term "the project proponent" and also the term "the target project" in Article 6, paragraph (1) are deemed to be replaced with "the city plan stipulator " and with "the target project in a city plan," respectively; the term "the project proponent" in Articles 7 through 10 and Article 11, paragraph (1) is deemed to be replaced with "the city plan stipulator"; the term "the target project" in the same paragraph of Article 11 is deemed to be replaced with "the target project in a city plan"; the term "the project proponent" in the same Article, paragraph (2) and (3) is deemed to be replaced with "the city plan stipulator"; the terms "the project proponent" and "the target project" in Article 12, paragraph (1) and in Article 14, paragraph (1) are deemed to be replaced with "the city plan stipulator" and "the target project in a city plan, respectively; the term "order of the competent ministry" in the same paragraph is deemed to be replaced with "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism"; the terms "the project proponent" and "the target project" in Article 15 are deemed to be replaced with "the city plan stipulator" and "the target project in a city plan," respectively; the term "the project proponent" in Articles 16 through 20, and Article 21, paragraph (1), is deemed to be replaced with "the city plan stipulator"; the term "the target project" in the same paragraph, item (iii), is deemed to be replaced with "the target project in a city plan"; the terms "the project proponent" and "order of the competent ministry" in the same Article, paragraph (2), are deemed to be replaced with "the city plan stipulator" and "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism," respectively; the terms "the project proponent" and "the persons designated in" in Article 22, paragraph (1), are deemed to be replaced with "the city plan stipulator" and "the persons (if a city plan related to an EIS requires consent to a city plan, a person authorized to give consent to city plan and the persons designated in the following items,

according to the category of the EIS)" respectively; the phrases "(except the Minister of the Environment)" and "after receiving" in the same Article, paragraph (2), are deemed to be replaced with "(except the Minister of the Environment), or a person authorized to give consent to a city plan or a city plan stipulator related to a city plan which does not require consent to a city plan" and "after receiving or sending;" respectively; the phrases "the persons listed in," "to the project proponent" and "when the Minister of the Environment has expressed any opinions pursuant to Article 23" in Article 24 are deemed to be replaced with "the persons listed in...and also a person authorized to give consent to city plan," "to the city plan stipulator... and when the Minister of the Environment has expressed any opinions pursuant to Article 23, such opinions must be taken into consideration by the relevant person," and "the person designated in each item in Article 22, paragraph (1), is to express their opinions via the person authorized to give consent to a city plan, and when the relevant person authorized to give consent to a city plan has any opinion," respectively; the terms "the project proponent" and "take them into consideration" in Article 25, paragraph (1), are deemed to be replaced with "the city plan stipulator" and "take them (if the city plan stipulator is the Minister of Land, Infrastructure, Transport and Tourism, or the director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau, then the opinions expressed pursuant to the provisions of the same Article as well as the opinions of the Minister of the Environment expressed to the relevant city plan stipulator pursuant to the provisions of Article 23) into consideration," respectively; the term "the target project" in the same paragraph, item (iii), is deemed to be replaced with "the target project in city plan"; the terms "the project proponent" and "order of the competent ministry" in the same Article, paragraph (2), are deemed to be replaced with "the city plan stipulator" and "order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism," respectively; the terms and phrases "the project proponent" and "must ... to the persons listed in" in the same Article, paragraph (3), are deemed to be replaced with "the city plan stipulator" and "must.....to the persons (if a city plan related to an EIS requires consent to a city plan, the person authorized to give consent to a city plan and the persons designated in the following items of the same paragraph, according to the categories of the EIS). In this case, when the city plan stipulator is the Minister of Land, Infrastructure, Transport and Tourism or the director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau, or prefectures, then such procedure is taken through the deliberation of Prefectural City Planning Councils, and when the city plan stipulator is comprised of municipalities, such a procedure is then followed through the deliberation of Municipal City

Planning Councils (when such a Municipal City Planning Council is not established in the relevant municipalities, then the relevant procedure is followed through the deliberation of Prefectural City Planning Council of the prefecture to which the relevant municipalities belong) is listed in," respectively; the terms "(except the Minister of the Environment)" and "after receiving" in Article 26, paragraph (1), are deemed to be replaced with "(except the Minister of the Environment), or a person authorized to give consent to city plan or a city plan stipulator related to a city plan which does not require consent to city plan" and "after receiving or sending;" respectively; the terms "the project proponent," "and the related mayors" and "paragraph (1), item (ii)...of the same Article" are deemed to be replaced with "the city plan stipulator," "...the related mayors and the person who intends to implement a class-1 project referred to in Article 38-6, paragraph (1), or the project proponent referred to in Article 40, paragraph (1)," and "paragraph (1), item (ii)...of the preceding Article," respectively; the term "the project proponent" in Article 27 and 28 is deemed to be replaced with "the city plan stipulator"; the phrase "seeks to revise" in the same Article is deemed to be replaced with "seeks to incorporate the target project, etc. into a city plan pursuant to the provisions of the City Planning Act by revising the relevant target project, etc.;" the terms and phrases "the project proponent," "intends to revise" and "Article 4, paragraph (1)" in Article 29, paragraph (1), are deemed to be replaced with "the city plan stipulator," "intends to incorporate a project or facilities related to such project into a city plan pursuant to the provisions of the City Planning Act after revising the relevant project" and "Article 4, paragraph (1) as applied by replacing terms and phrases pursuant to the provisions of Article 39, paragraph (2)," respectively; the phrases "Article 4, paragraph (2), " and "the same Article, paragraph (3), item (i)" in the same Article 29, paragraph (2), are deemed to be replaced with "Article 4, paragraph (2) as applied by replacing terms and phrases pursuant to the provisions of Article 39, paragraph (2)," and "Article 4, paragraph (3), item (i) as applied by replacing terms and phrases pursuant to the provisions of Article 39, paragraph (2)," respectively; the terms and phrases "Article 4, paragraph (3), item (ii)" and "the proponent" in the same Article 4, paragraph (3), are deemed to be replaced with "the city plan stipulator" and "Article 4, paragraph (3), item (ii) as applied by replacing terms and phrases pursuant to the provisions of Article 39, paragraph (2)," respectively; the term "the project proponent" in Article 30, paragraph (1), is deemed to be replaced with "the city plan stipulator"; the phrase "the target project will not be implemented" in Article 30, paragraph (1), item (i) is deemed to be replaced with "the target project, etc. will not be incorporated into a city plan"; the term "issues" in Article 31, paragraph (1), is deemed to be replaced with "is issued"; the term "has issued"

in the same Article 31, paragraph (2) and (3), is deemed to be replaced with "has been issued"; the term "issues" in the same paragraph, is deemed to be replaced with "is issued"; the terms "has issued" and "paragraph (2) of the preceding Article" in the same Article, paragraph (4), are deemed to be replaced with "has been issued" and "Article 30, paragraph (2)," respectively; the term "has issued" in Article 32, paragraph (1), is deemed to be replaced with "has been issued."

(Report on Environmental Conservation Measures for Target Project in a City Plan)

Article 40-2 Regarding the application of the provisions of Articles 38-2 through 38-5, if a city plan stipulator conducts an environment impact assessment and other procedures pursuant to the provisions of the preceding Article, paragraph (2), the phrase "The project proponent who issued a public notice under the provisions of Article 27 (when the relevant project proponent transferred the project prior to the implementation of the business, then the new project proponent)" in Article 38-2, paragraph (1), is deemed to be replaced with "the person intends to implement the class-1 project referred to in Article 38-6, paragraph (1) who has received an EIS referred to in Article 26, paragraph (2), applied as replacement pursuant to the provisions of Article 40, paragraph (2), or the project proponent referred to in Article 40, paragraph (1) (if the project has been transferred to a new project proponent prior to the implementation of the relevant project, then the new project proponent; hereinafter referred to as a "city planning proponent"); the phrase "the project proponent referred to in the preceding Article, paragraph (1)" in Article 38-3, paragraph (1), is deemed to be replaced with "the city planning proponent"; the phrase "the project proponent referred to in Article 38-2, paragraph (1)" in Article 38-5, is deemed to be replaced with "the city planning proponent."

(Adjustment to Procedures Pertaining to a City Plan)

Article 41 (1) A public notice to be issued by a city plan stipulator pursuant to the provisions of Article 16 or Article 27 applied as replacement pursuant to the provisions of Article 40, paragraph (2), is made in conjunction with a public notice to be issued, pursuant to the provisions of Article 17, paragraph (1) of the City Planning Act (including the cases where applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act and also the cases where it is applied by replacing terms and phrases pursuant to the provisions of Article 22, paragraph (1) of the same Act), related to the city plan stipulated by those persons, or with a public notice to be issued pursuant to the provisions of Article 20, paragraph (1) of the same Act (including the cases where applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act and

also the cases where it is applied by replacing terms and phrases pursuant to the provisions of Article 22, paragraph (1) of the same Act).

- (2) In making a draft EIS and its summary available for public inspection pursuant to the provisions of Article 16 applied as replacement pursuant to the provisions of Article 40, paragraph (2), the city plan stipulator (except the Minister of Land, Infrastructure, Transport and Tourism (in a case where, pursuant to the provisions of Article 85-2 of the City Planning Act, the authority of the Minister of Land, Infrastructure, Transport and Tourism referred to in Article 22, paragraph (1) of the same Act is delegated to either the director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau, the relevant director of the Regional Development Bureau or the Hokkaido Regional Development Bureau, the same applies in the following paragraph)) also is to make available for public inspection with a proposed city plan referred to in Article 17, paragraph (1) of the City Planning Act, regarding a city plan stipulated by these persons, and in the case of making the EIS, etc. available for public inspection pursuant to the provisions of Article 27 as applied by replacing terms and phrases pursuant to the provisions of Article 40, paragraph (2), is to also make available for public inspection with drawings and documents referred to in Article 14, paragraph (1) of the City Planning Act, pursuant to the provisions of Article 20, paragraph (2) of the same Act (including the cases where applied *mutatis mutandis* pursuant to Article 21, paragraph (2) of the same Act) regarding the city plan stipulated by these persons.
- (3) In the case of making a draft EIS and its summary available for public inspection pursuant to the provisions of Article 16 applied as replacement pursuant to the provisions of Article 40, paragraph (2), The Minister of Land, Infrastructure, Transport and Tourism stipulating a city plan related to a target project, also is to make available for public inspection with a proposed city plan, referred to in Article 17, paragraph (1) of the City Planning Act, regarding the city plan stipulated by the Minister of Land, Infrastructure, Transport and Tourism, or in the case of making an EIS, etc. available for public inspection pursuant to the provisions of Article 27 applied as replacement pursuant to the provisions of Article 40, paragraph (2), is to send the relevant EIS, etc. to prefectural governors, and also to make available for inspection by the relevant prefectural governor(s) the relevant EIS, etc., with copies of drawings and documents referred to in Article 14, paragraph (1) of the City Planning Act, pursuant to the provisions of Article 20, paragraph (2) of the same Act (including the cases where applied *mutatis mutandis* pursuant to Article 21, paragraph (2) of the same Act), regarding the city plan stipulated by the Minister of Land, Infrastructure, Transport and Tourism.
- (4) The city plan stipulator, if it is difficult to determine whether the opinions

expressed, in the case where the draft EIS was made available for public inspection along with the proposed city plan pursuant to the provisions of the preceding two paragraphs, are regarding either to the written opinions on the relevant draft EIS or to the written opinions on the city plan pursuant to the provisions of Article 17, paragraph (2) of the City Planning Act (including the when applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act and also the cases when it is applied as replacement pursuant to the provisions of Article 22, paragraph (1) of the same Act), is to deem the opinions regarding to both cases and apply each relevant act.

- (5) When the city plan stipulator is in process of conducting an environmental impact assessment and other procedures pursuant to Article 40, paragraph (1), the city plan stipulator is to submit city plan drafts to the Prefectural City Planning Council or the Municipal City Planning Council pursuant to Article 25, paragraph (3) applied as a replacement pursuant to the provisions of Article 40, paragraph (2), in conjunction with a submission to the Prefectural City Planning Council pursuant to the provisions of Article 18, paragraph (2) of the City Planning Act (including cases where applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act and also cases where it is applied as replacement pursuant to the provisions of Article 22, paragraph (1) of the same Act), or to the Municipal City Planning Council or the Prefectural City Planning Council pursuant to the provisions of Article 19, paragraph (2) (including cases where applied mutatis mutandis pursuant to the provisions of Article 21, paragraph (2) of the same Act).

(Special Provisions of the City Planning Act pertaining to Procedures Related to a City Plan Stipulating a Target Project)

- Article 42 (1) Regarding the application of the provisions of Articles 17, paragraph (1) and paragraph (2) of the City Planning Act (including the cases where applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act and also the cases where it is applied as replacement pursuant to the provisions of Article 22, paragraph (1) of the same Act) related to a proposed city plan in cases where a draft EIS is made available for public inspection along with the relevant proposed city plan pursuant to the provisions of the preceding Article, paragraphs (2) and (3), the term "two weeks" in Article 17, paragraph (1) of the same Act is deemed to be replaced with "one month," and the phrase "expiration of the period of public inspection" in Article 17, paragraph (2) of the same Act is deemed to be replaced with "the date of two weeks after the next day of expiration of the period of public inspection."
- (2) In stipulating a target project, etc. in a city plan, the city plan stipulator is to give due consideration to a possible impact of the implementation of the target project related to the relevant city plan, and ensure to protect the environment,

according to the matters detailed in an EIS referred to in Article 27 as applied by replacing terms and phrases pursuant to the provisions of Article 40, paragraph (2) (referred to in the following paragraph as an "EIS"), beyond complying with the provisions of the City Planning Act.

- (3) Regarding the city plan referred to in the preceding paragraph, in giving consent pursuant to Article 18, paragraph (3) of the City Planning Act (including cases where applied *mutatis mutandis* pursuant to Article 21, paragraph (2) of the same Act), Article 19, paragraph (3) of the same Act (including cases where applied *mutatis mutandis* pursuant to Article 21, paragraph (2) of the same Act, and also including the cases where it is applied as replacement pursuant to the provisions of Article 22, paragraph (1), or Article 87, paragraph (2), item (iv) of the same Act), or Article 51, paragraph (2) of the Act on Special Measures concerning Urban Renaissance (in this paragraph and Article 45, referred to as a "consent to a city plan"), the Minister of Land, Infrastructure, Transport and Tourism (in a case where, pursuant to the provisions of Article 85-2 of the City Planning Act or the provisions of Article 126 of the Act on Special Measures concerning Urban Renaissance, the authority concerning consent to a city plan of the Minister of Land, Infrastructure, Transport and Tourism is delegated to either the director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau, then the relevant director of the Regional Development Bureau or the director of the Hokkaido Regional Development Bureau), or the prefectural governor (in Article 45, referred to as "a person authorized to give consent to city plan") must review whether due consideration is given to the environmental conservation in the relevant city plan, based on the matters described in the EIS and a document referred to in Article 24 applied as replacement pursuant to the provisions of Article 40, paragraph (2),.

(Reimplementation in the Case of Changing a City Plan Accompanying any Change in the Contents of a Target Project)

- Article 43 (1) If a city plan stipulator intends to change a city plan in relation to changes in the matters listed in Article 5, paragraph (1), item (ii) applied as replacement pursuant to the provisions of Article 40, paragraph (2), after the public notice has been issued in pursuant to Article 27 applied as replacement pursuant to the provisions of Article 40, paragraph (2), the relevant city plan stipulator, instead of the project proponent related to the changes in the relevant matters, is to conduct an environmental impact assessment and other procedures required by the provisions of Article 31, paragraphs (2) and (3), in conjunction with the procedures for changing the relevant city plan.
- (2) Regarding the application of the provisions of Article 31, paragraph (2) and (3) in the case referred to in the preceding paragraph, the phrase "a project

proponent ...Article 27" in paragraph (2) of the same Article is deemed to be replaced with "the city plan stipulator.....Article 27 applied as replacement pursuant to the provisions of Article 40, paragraph (2)"; the phrase "Article 5, paragraph (1), item (ii)" is deemed to be replaced with "Article 5, paragraph (1), item (ii) applied as replacement pursuant to the provisions of Article 40, paragraph (2)"; the term "modify" is deemed to be replaced with "modify a city plan related to the modification of"; the phrase "the relevant modification" is deemed to be replaced with "the modification of the relevant matters"; the phrase "The provisions of paragraph 1....Article 27" in paragraph (3) of the same Article is deemed to be replaced with "The provisions of Article 31, paragraph (1)....the city plan stipulator has madepursuant to the provisions of Article 27 applied as replacement pursuant to the provisions of Article 40, paragraph (2)"; the phrase "Article 5, paragraph (1), item (ii)" is deemed to be replaced with "Article 5, paragraph (1), item (ii) applied as replacement pursuant to the provisions of Article 40, paragraph (2)"; the term "the relevant project" is deemed to be replaced with "a project related to a city plan in cases where the relevant city plan, related to the relevant project, will be modified"; the term "a project proponent" is deemed to be replaced with "a project proponent related to a city plan"; the term "in paragraph (1)" is deemed to be replaced with "in Article 31, paragraph (1)"; the term "Article 27" is deemed to be replaced with "Article 27 applied as replacement pursuant to the provisions of Article 40, paragraph (2)"; the term "issues" is deemed to be replaced with "is issued"; the phrase "limited to...issues" is deemed to be replaced with "limited to...to be issued"; the term "issues" is deemed to be replaced with "is issued"; the phrase "Article 21, paragraph (1)" is deemed to be replaced with "Article 21, paragraph (1) applied as replacement pursuant to the provisions of Article 40, paragraph (2)."

(Coordination with an Environmental Impact Assessment Conducted by a Project Proponent)

Article 44 (1) During the period between a publication as required by Article 3-4, paragraph (1) and a public notice as required by Article 7 by a person who intends to implement a class-1 project, when a city plan stipulator who intends to stipulate the class-1 project related to the relevant publication in a city plan sent a notice thereof to the project proponent who intends to implement the relevant class-1 project and a person who received a document on primary environmental impact consideration or scoping document from the project proponent who intends to implement the relevant class-1 project, the person who intends to implement the class-1 project is to send, to the relevant city plan stipulator, the relevant document on primary environmental impact consideration and document referred to in Article 3-6 in case when a scoping

document related to the relevant class-1 project has not been prepared, or the relevant scoping document in a case where such a scoping document has already been prepared. In this case, with regard to the class-1 project pertaining to the relevant city plan, the provisions of Article 38-6, paragraph (1), are applied from the time of the receipt of the relevant document on primary environmental impact consideration and the document referred to in Article 3-6 or the relevant scoping document by the city plan stipulator.

- (2) In the case of the preceding paragraph, any examination of the items for a primary environmental impact consideration at the early stage and other procedures conducted by the person who intends to implement a class-1 project prior to the receipt of such notice is deemed to have been conducted by the city plan stipulator, and any procedures followed for the person who intends to implement the class-1 project are deemed to have been carried out for the city plan stipulator.
- (3) During the period between the preparation of a scoping document by a project proponent related to a class-2 project, pursuant to the provisions of Article 5, and a public notice issued as required by Article 7, when the city plan stipulator who intends to stipulate the class-2 project related to the relevant scoping document in a city plan sent a notice thereof to the relevant project proponent, the person who have received the document on primary environmental impact consideration from the relevant project proponent (limited to the cases where the relevant project proponent has submitted the document on primary environmental impact consideration pursuant to the provisions of Article 3-4, paragraph), and the person who have received a notification prepared pursuant to the provisions of Article 4, paragraph (1) from the relevant project proponent and the prefectural governor referred to in paragraph (2) of the same Article (in cases where the project proponent has already submitted the relevant scoping document pursuant to the provisions of Article 4, paragraph (1), the project proponent, the person who has received a notification pursuant to the provisions of Article 4, paragraph (1), and the person who has received the scoping document), the provisions of Article 40, paragraph (1) in relation to the target project regarding the relevant city plan is applied from the time the project proponent has received the notification. In this case, the project proponent must promptly submit the relevant scoping document to the city plan stipulator.
- (4) In the case of the preceding paragraph, any environmental impact assessment and other procedures conducted by the project proponent prior to the receipt of such notice are deemed to have been conducted by the city plan stipulator, and any procedures followed for the project proponent is deemed to have been carried out for the city plan stipulator.
- (5) During the period between a public notice issued as required by Article 7 by a

project proponent and a public notice issued as required by the preceding Article 16 by the same project proponent, when the city plan stipulator who intends to incorporate a target project, etc. related to these public notices into city plan has sent a notice thereof to the project proponent and the person who have received the document on a primary environmental impact consideration, a scoping document or a draft EIS from the relevant project proponent (in cases where the relevant target project related to these public notices is a class-2 project, then these persons and the person who have received a notification pursuant to the provisions of Article 4, paragraph (1)), the project proponent is to promptly submit to the city plan stipulator a draft EIS after preparing the draft EIS in the case where such draft EIS has not been prepared, or in the case where such draft EIS has been prepared, then submit such draft EIS immediately. In this case, with regard to the target project related to the relevant city plan, the application of the provisions of Article 38-6, paragraph (1) or Article 40, paragraph (1), is applied from the time the city plan stipulator has received the relevant draft.

(6) The provisions of paragraph (4) is applied mutatis mutandis to the procedures followed prior to the submission pursuant to the provisions of the preceding paragraph.

(7) During the period between a public notice issued as required by Article 16 by a project proponent and a public notice issued as required by the Article 27 by the same project proponent, when a public notice is issued pursuant to the provisions of Article 17, paragraph (1) of the City Planning Act in relation to the city plan referred to in paragraph (5), an environmental impact assessment and other procedures is subsequently conducted as required by the provisions of Chapter V and VI, and the provisions of Article 38-6, paragraph (1) or Article 40, paragraph (1) does not apply. In this case, the project proponent, after issuing a public notice as required by Article 27, must promptly submit an EIS referred to in the same Article (in the following Article, referred to as an "EIS") regarding the relevant public notice to the city plan stipulator.

(Special Provisions in cases where an Environmental Impact Assessment is conducted by a Project Proponent)

Article 45 (1) The city plan stipulator who has received an EIS, pursuant to the provisions of paragraph (7) of the preceding Article, must send the relevant EIS to the person authorized to give consent to city plan, if consent to a city plan is required when the city plan stipulator intends to stipulate a city plan referred to in the same paragraph.

(2) Regarding the city plan referred to in the preceding paragraph, if the provisions of Article 18 of the City Planning Act (including cases when applied mutatis mutandis pursuant to the provisions of Article 21, paragraph (2) of the

same Act, and with regard to Article 18, paragraph (1) and (2) of the same Act, including the cases when they are applied by replacing terms and phrases pursuant to the provisions of Article 22, paragraph (1)), or the provisions of Article 19, paragraphs (1) through (4) of the same Act (including the cases where applied mutatis mutandis pursuant to the provisions of Article 21, paragraph (2) of the same Act, and with regard to Article 19, paragraph (3) of the same Act, including cases when it is applied by replacing terms and phrases pursuant to the provisions of Article 22, paragraph (1), and with regard to Article 19, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 21, paragraph (2) of the same Act), including cases when it is applied by replacing terms and phrases pursuant to the provisions of Article 8-7, paragraph (4), and with regard to Article 19, paragraph (4), including the cases where it is applied by replacing terms and phrases pursuant to the provisions of Article 22, paragraph (1) of the same Act) are applied, the provisions of Article 42, paragraph (2) apply mutatis mutandis to the case where target project, etc. related to the EIS, received by the city plan stipulator pursuant to the provisions of the preceding Article, paragraph (7), will be incorporated into a city plan, and the provisions of Article 42, paragraph (3) apply mutatis mutandis to the case when the person authorized to give consent to a city plan provides consent to a city plan related to the relevant city plan. In this case, the phrase "as applied by replacing terms and phrases pursuant to the provisions of Article 40, paragraph 2" in the same Article, paragraph 2 is deemed to be replaced with "received the document pursuant to the provisions of Article 44, paragraph (7)"; the phrase "the city plan referred to in the preceding paragraph" in the same Article, paragraph (3), is deemed to be replaced with "the city plan referred to in Article 45, paragraph (1)"; and the phrase "based on the matters described in.....a document referred to in Article 24 applied as replacement pursuant to the provisions of Article 40, paragraph (2)" is deemed to be replaced with "the matters described in."

(Cooperation with the Project Proponent)

Article 46 (1) The city plan stipulator may request, to the person who intends to implement a class-2 project or project proponent, necessary cooperation including provision of materials for conducting an environmental impact assessment and other procedures, attendance to a scoping document explanatory meeting and a draft EIS explanatory meeting, etc. referred to in Articles 38 through 41, Articles 43 and 44.

(2) The project proponent, who is the head of an administrative organ of the national government (including a local branch of the administrative organ) responsible for the implementation of a target project, or a corporation referred to in Article 2, paragraph (2), item (ii), (c), or others specified by cabinet order,

is to conduct the necessary environmental impact assessment if the city plan stipulator makes a request thereof.

Section 2 Environmental Impact Assessment and Other Procedures pertaining to Port Plan

(Definitions)

Article 47 In this Section, the following Chapter and Supplementary Provisions, "port environmental impact assessment" means the process of conducting survey, forecast and evaluating, according to items pertaining to environmental components, the likely impact of developing, utilization and preservation of a port as well as preservation of the surrounding area of that port (in this Section referred to as "port development, etc.") incorporated into a port plan (hereinafter referred to as a "port plan") prescribed in Article 3, paragraph (3), item (i) of the Port and Harbor Act (Act No. 218 of 1950) pertaining to an International Container Hub Port, International Hub Port, or Major Port prescribed in Article 2, paragraph (2) of the same Act, will have on the environment (hereinafter referred to as "port environmental impact", studying possible environmental protection measures relating to the relevant port development, etc. incorporated into a port plan and assessing the overall port environmental impact when such measures are taken.

(Port Environmental Impact Assessment and Other Procedures Pertaining to a Port Plan)

Article 48 (1) In determining a port plan or modifying a port plan, the port management body referred to in Article 2, paragraph (1) of the Port and Harbor Act (hereinafter referred to as a "port management body"), if a port plan falls under a large scale landfill and other conditions prescribed in cabinet order, must conduct a port environment impact assessment and follow other procedures pursuant to the provisions of the following paragraph and paragraph (3), regarding to the relevant determined or modified port plan (hereinafter referred to as a "targeted port plan").

(2) The provisions of Chapters IV through VII (except Article 14, paragraph (1), item (iv) and paragraph (2), Articles 22 through 26, and Article 30, paragraph (1), item (3) and paragraph (2)) and Article 31, paragraphs (1) through (3) are applied mutatis mutandis to a port environmental impact assessment and other procedures pursuant to the provisions of the preceding paragraph. In this case, the term "environmental impact assessment" in the title of Chapter IV is deemed to be replaced with "port environment impact assessment"; the term "environmental impact assessment" in the title of Article 11 is deemed to be replaced with "port environment impact assessment"; the term "The project

proponent" in paragraph (1) of the same Article is deemed to be replaced with "the port management body referred to in Article 48, paragraph (1) (hereinafter referred to as a "port management body)"; the phrase "When the opinions pursuant to paragraph (1), (4), or (5) of the preceding Article are stated, the project proponent, while taking into account the opinions, as well as the opinions stated pursuant to Article 8, paragraph (1), must review the matters listed in Article 5, paragraph (1), item (vii), "...pursuant to order of the competent ministry prescribed for each type of projects listed in Article 2, paragraph (2), item (1), (a) through (m)." is deemed to be replaced with "pursuant to order of the competent ministry"; the term "environmental impact assessment of the target project" is deemed to be replaced with "a port environment impact assessment referred to in Article 47 (hereinafter referred to as a "port environmental impact assessment") relating to port development, etc. (hereinafter referred to as "port development, etc."), prescribed in the same Article 47, incorporated into a targeted port plan referred to in the same paragraph (hereinafter referred to as a "targeted port plan)"; the term "the project proponent" in the same Article, paragraph (2) and (3) is deemed to be replaced with "the port management body"; the term "the target project," in the same Article, paragraph (4) is deemed to be replaced with "port development, etc. incorporated into a targeted port plan"; the term "an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the phrase "the competent minister (where the competent minister is the head of external bureau of Cabinet Office, then the Prime Minister)" is deemed to be replaced with "the competent minister"; the term "an Environmental Impact Assessment" in the title of Article 12 is deemed to be replaced with "a port environmental impact assessment"; the term "the project proponent" in the same Article, paragraph (1) is deemed to be replaced with "the port management body"; the phrase "order of the competent ministry in each types of projects specified by Article 2, paragraph (2), items (i), (a) through (m)," is deemed to be replaced with "order of the competent ministry"; the term "an environmental impact assessment of the target project" is deemed to be replaced with "a port environment impact assessment relating to port development, etc. incorporated into a targeted port plan" ; the term "an environmental impact assessment" in the same Article 12, paragraph (2) is deemed to be replaced with "a port environmental impact assessment"; the phrase "the competent minister (where the competent minister is the head of external bureau of Cabinet Office, the Prime Minister)" in Article 13 is deemed to be replaced with "the competent minister"; the term "the project proponent" in Article 14, paragraph (1) is deemed to be replaced with "the port management body"; the term "the target project" is deemed to be replaced with "the relevant port development, etc. incorporated into the targeted port plan";

the term "an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the phrase "of the environmental impact assessment" is deemed to be replaced with "of the port environmental impact assessment"; the phrase "order of the competent ministry applicable to the types of projects referred to in Article 2, paragraph (2), item (i), (a) through (m)" is deemed to be replaced with "Order of the Competent Ministry"; the term "a draft environmental impact statement" is deemed to be replaced with "a draft port environmental impact statement"; the phrase "Matters listed in Article 5, paragraph (1), items (1) through (6)" in the same paragraph, item (i) is deemed to be replaced with "The name and address of the port management body"; the phrase "An outline of the opinions referred to in Article 8, paragraph (1)" in the same paragraph, item (ii) is deemed to be replaced with "The purpose and content of a targeted port plan"; the phrase "opinions of the prefectural governor as referred to in Article 10, paragraph (1), or opinions by the mayor of the city designated by cabinet order referred to in paragraph (4) of the same Article, and the opinions that the prefectural governor state, if any, as referred to in paragraph (5) of the same Article" in the same paragraph, item (iii) is deemed to be replaced with "The general conditions of the area for possible implementation of port development, etc. incorporated into the targeted port plan and its surroundings"; the phrase "the content....of the environmental impact" in the same paragraph, item (vii) (a) is deemed to be replaced with "the contentof the port environmental impact referred to in Article 47 (hereinafter referred to as "port environmental impact")"; the term "the project proponent" in Article 15 is deemed to be replaced with "the port management body"; the phrase "the order of the competent ministry prescribed in Article 6, paragraph (1)" is deemed to be replaced with "the order of the competent ministry to be established by the competent minister in consultation with the Minister of the Environment regarding the matters that should serve as the standards for determining the scope of an appropriate area in seeking opinions, from the standpoint of environmental conservation, on a port environment impact assessment relating to port development, etc. incorporated into a targeted port plan"; the term "environmental impacted by the target project" is deemed to be replaced with "environmental impacted by the port development, etc. incorporated into the targeted port plan"; the phrase "hereinafter referred to as "related area," where is recognized to be added to the area, prescribed in Article 6, paragraph (1), on the basis of opinions stated pursuant to Article 8, paragraph (1) and Article 10, paragraph (1), (4) or (5) and also on the basis of the results of the environmental impact assessment conducted pursuant to Article 12, paragraph (1)" is deemed to be replaced with "hereinafter referred to as "related area,""; the term "the project proponent" in Article 16 is deemed to be replaced with "the port management body"; the term

"an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the term "the project proponent" in Article 17, Article 18, paragraph (1), Article 19, Article 20, paragraph (1), and paragraphs (3) through (6), and Article 21, paragraph (1) is deemed to be replaced with "the port management body"; the phrase "the project after such revision falls under the target project" in the same paragraph is deemed to be replaced with "the port plan after such revision falls under the targeted port plan"; the term "Article 5 paragraph (1), item (ii)" in the same paragraph, item (i) is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the term "the scale of the project" is deemed to be replaced with "the scale of the port development, etc. incorporated into the port plan"; the term "Articles 5" is deemed to be replaced with "Article 11"; the term "an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the phrase "Article 5, paragraph (1) item (i), or in Article 14, paragraph (1) item (ii) through (iv), and item (vi) or item (viii)" in the same paragraph, item (ii) is deemed to be replaced with "Article 14, paragraph (1), item (i), (vi) or (viii)"; the phrase "the following Article through Article 27" is deemed to be replaced with "Article 27"; the term "the environmental impact assessment" is deemed to be replaced with "the port environmental impact assessment"; the phrase "an environmental impact assessment of the target project" in the same paragraph, item (iii) is deemed to be replaced with "a port environment impact assessment of port development, etc. incorporated into a targeted port plan"; the term "the project proponent" in the same Article, paragraph (2) is deemed to be replaced with "the port management body"; the term "an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the term "the relevant environmental impact assessment" is deemed to be replaced with "the relevant port environmental impact assessment"; the phrase "an environmental impact assessment ...thereof" is deemed to be replaced with "'a port environmental impact assessment ...thereof"; the term "the environmental impact statement" is deemed to be replaced with "the port environmental impact statement"; the phrase "hereinafter through Article 26 and in Articles 29" is deemed to be replaced with "Article 27"; the phrase "order of the competent ministry applicable to the types of projects referred to in Article 2, paragraph (2), item (i), (a) through (m)" is deemed to be replaced with "order of the competent ministry"; the term "the project proponent" in Article 27 is deemed to be replaced with "the port management body"; the phrase "a submission or notice pursuant to the provisions of Article 25, paragraph (3)" is deemed to be replaced with "preparing an EIS pursuant to the provisions of Article 21, paragraph (2)"; the term "the EIS, etc." is deemed to be replaced with "the EIS and its summary"; the term "a Target Project" in the title of Chapter VII is

deemed to be replaced with "a Targeted Port Plan"; the term "the Contents of a Project" in the title of Article 28 is deemed to be replaced with "the contents of a port plan"; the term "Environmental Impact Assessment" is deemed to be replaced with "Port Environmental Impact Assessment"; the term "a project proponent" in the same Article is deemed to be replaced with "a port management body"; the term "Article 7" is deemed to be replaced with "Article 16"; the term "Article 5, paragraph (1), item (ii)" is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the term "Article 21, paragraph (1) or of Article 25, paragraph (1)" is deemed to be replaced with "Article 21, paragraph (1)"; the phrase "when the projecta target project" is deemed to be replaced with "when the port plan....targeted port plan"; the term "for the project" is deemed to be replaced with "for the port development, etc. incorporated into the port plan"; the term "in Articles 5 through" is deemed to be replaced with "in Article 11 through"; the term "an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the term "the scale of the project" is deemed to be replaced with "the scale of the port development, etc. incorporated into the port plan"; the term "Abandonment of a Target Project" in the title of Article 30 is deemed to be replaced with "Abandonment of a Decision, etc. concerning a Targeted Port Plan"; the term "the project proponent" in the same Article, paragraph (1) is deemed to be replaced with "the port management body"; the term "Article 7" is deemed to be replaced with "Article 16"; the term "a scoping document, a draft EIS" is deemed to be replaced with "a draft EIS"; the phrase "not to implement the target project" in the same paragraph, item (i) is deemed to be replaced with "not to decide the targeted port plan or modify the targeted port plan after the decision"; the term "Article 5, paragraph (1), item (ii)" in the same paragraph, item (ii) is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the phrase "the project has become neither a class-1 project nor a class-2 project" is deemed to be replaced with "the port plan has ceased to become a targeted port plan"; the term "the Implementation of a target project" in the title of Article 31 is deemed to be replaced with "the decision made on a targeted port plan or modification of the targeted port plan after the decision has been made"; the term "a project proponent" in the same Article, paragraph (1) is deemed to be replaced with "a port management body"; the term "a target project" is deemed to be replaced with "a targeted port plan"; the term "or Article 25, paragraph (1), or Article 28" is deemed to be replaced with "or Article 28"; the phrase "the project is" is deemed to be replaced with "the port plan is"; the phrase "implement a target project....)" is deemed to be replaced with "make a decision on a port plan (hereinafter the same applies in this Article) or modify the targeted port plan after the decision has been made"; the term "a project proponent" in the same Article, paragraph (2) is deemed to be

replaced with "a port management body;" the term "Article 5, paragraph (1), item (ii)" is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the term "the scale of the project" is deemed to be replaced with "the scale of the port development, etc. incorporated into the port plan"; the term "an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the term "Article 5, paragraph (1), item (ii)" in the same Article, paragraph (3) is deemed to be replaced with "Article 14, paragraph (1), item (ii)"; the phrase "implement a target project" is deemed to be replaced with "make a decision on a targeted port plan or modify a targeted port plan the after the decision has been made related to the relevant port plan"; the term "an environmental impact assessment" is deemed to be replaced with "a port environmental impact assessment"; the term "the project proponent" is deemed to be replaced with "the port management body."

- (3) In making a decision on a targeted port plan or modifying a targeted port plan after a decision has been made, the port management body is to give due consideration, to a possible port environment impact related to the port development, etc. incorporated into the relevant port plan, and ensure to protect the environment, according to the matters detailed in a port EIS referred to in Article 21, paragraph (2) as applied *mutatis mutandis* pursuant to the provisions of the preceding paragraph, beyond complying with the provisions of the Port and Harbor Act.

Chapter X Miscellaneous Provisions

(Communication With Local Governments)

Article 49 The project proponent and others are to maintain close communication with, and may seek cooperation from, related local governments concerning public notices or public inspections, or the holding of scoping document explanatory meetings or of draft EIS explanatory meetings under the provisions of this Act.

(Consideration by the National Government)

Article 50 When a local government (including a port management body) implements a target project (including adoption or modification of a targeted port plan) by receiving subsidies, etc. from the national government, the national government is to give proper consideration to the costs likely to be incurred in conducting an environmental impact assessment and following other procedures under the provisions of this Act.

(Technological Development)

Article 51 In order to improve technologies required for environmental impact

assessments, the national government is to endeavor to promote research and development of such technologies and to disseminate the results thereof.

(Exemptions)

- Article 52 (1) The provisions of Chapter II through the preceding Chapter of this Act do not apply to the following: a project to restore an area stricken by natural disasters, prescribed in Article 87 of the Disaster Countermeasures Basic Act (Act No. 223 of 1961) or projects referred to in Article 88, paragraph (2) of the same Act; a project incorporated into an city plan pursuant to Article 84, paragraph (1) of the Building Standards Act (Act No. 201 of 1950) in the cases where the provisions of Article 84 are applied, or a project that is subject to the provisions of the same paragraph; a project implemented in an area designated as urban disaster recovery promotion area pursuant to Article 5, paragraph (1) of Act on Special Measures concerning Reconstruction of Urban Districts Damaged by Disaster (Act No. 14 of 1992) and is specified in Article 5, paragraph (1), item (iii) of the same Act.
- (2) The provisions of the Chapter II are not to be applied to projects that have serious relation to the national interests and are specified by cabinet order to be requiring immediate implementation due to occurrence of disaster and other special circumstances.

(Establishment of Orders and Transitional Measures)

- Article 53 (1) In enforcing cabinet order which is based on the provisions of Article 2, paragraph (2), or paragraph (3) and involves a project that newly becomes a target project (including projects which newly become class-2 projects for which measures have been taken pursuant to the provisions of Article 4, paragraph (3), item (i) (including if it is applied by replacing terms and phrases pursuant to the provisions of Article 39, paragraph (2)); hereinafter referred to as "new target project, etc.") because of the establishment, or revision or abolition of such cabinet order (referred to as "cabinet order on target project, etc." in this Article and the following Article, paragraph (1)), when there is a document (limited to the document designated pursuant to the provisions of the following paragraph at the time of enforcement of cabinet order on target project, etc.), concerning the relevant new target project, etc., which has been prepared, as referred to in the following items, in accordance with a Prefectural or Municipal Ordinance or administrative guidance prescribed in Article 36 of the Administrative Procedure Act (Act No. 88 of 1993) (including those enforced by a local government as prescribed in the provisions of the same Article) and other measures (hereinafter referred to as "administrative guidance, etc."), the relevant document is deemed to fall under one of the categories specified in the

following items:

- (i) a document which is recognized, at the stage of planning relating to a class-1 project, in determining an area in which the relevant project will be implemented and other matters specified in order of the competent ministry, to describe the results of examination of items to consider, from the standpoint of environmental conservation, related to the relevant project, in one or two or more areas for possible implementation of the project: a document on a primary environmental impact consideration referred to in Article 3-3, paragraph (1);
- (ii) a document which is recognized to be containing opinions of the competent minister stated, from the standpoint of environmental conservation, on the document referred to in the preceding item: a document referred to in Article 3-6;
- (iii) a document describing the items of environment impact assessment and which is recognized to follow the procedures such as public inspection to listen to public and other third party opinions, including sending the document to the head of a local government (in this paragraph, referred to as "the head of related local government") who has jurisdiction over the area that is recognized to fall within the scope of environmental impact and making the document available for public inspection as well as the procedures equivalent of the measures intended to make the matters public, written in the document in accordance with the provisions of Article 7-2, paragraph (1): a scoping document for which the procedures specified in Article 7 and 7-2 have been taken;
- (iv) a document which describes the outline of opinions stated, from the standpoint of environmental conservation, on the document referred to in the preceding item, and which is recognized to have been submitted to the head of the related local government: a document which is referred to in Article 9 and for which the procedure specified in the same Article 9 has been taken;
- (v) a document which is recognized to contain opinions of the head of related local government, stated on the document referred to in item (iii) above from the standpoint of environmental conservation: a document specified in Article 10, paragraph (1) or (4);
- (vi) a document which has been prepared as part of the preparation for inviting opinions on the results of an environmental impact assessment from the public from the standpoint of environmental conservation and for which the procedures for public notice and public inspection referred to in Article 16, and procedures equivalent of the measures to make public the matters written in the document prescribed in the provisions of Article 17, paragraph (1), have been taken: a draft EIS for which the procedures specified in Article 16 and 17 have been taken;

- (vii) a document which describes the outline of opinions stated, from the standpoint of environmental conservation, on the document referred to in the preceding item, and which is recognized to have been submitted to the head of the related local government: a document which is referred to in Article 19 and for which the procedure specified in the same Article 19 has been taken;
 - (viii) a document which is recognized to contain opinions of the head of the related local government, stated on the document referred to in item (vi) from the standpoint of environmental conservation: a document specified in Article 20, paragraph (1) or (4);
 - (ix) a document which is recognized to describe the results of examination, conducted of the items in the document referred to in item (vi) after the opinions referred to in the preceding item have been stated: an EIS specified in Article 21, paragraph (2);
 - (x) a document which is recognized to describe the results of examination, conducted by considering opinions of related administrative organs where opportunities to state such opinions are available, of the items in the document referred to in item (vi) or the preceding item: an EIS specified in Article 26, paragraph (2);
 - (xi) a document for which the public procedure equivalent to the public notice specified in Article 27 has been taken: an EIS for which the procedure specified in the same Article has been taken.
- (2) Regarding to the documents specified in the preceding items, when the relevant document is based on a Prefectural or Municipal Ordinance or administrative guidance, etc. (limited to those relating to a local government), the Minister of the Environment is to designate the relevant document by asking opinions of local government; or when the relevant document is based on administrative guidance, etc. (limited to those relating to administrative organs of the national government), the competent minister is to designate the relevant document in consultation with the Minister of the Environment (concerning administrative guidance, etc. which stipulate that the city plan stipulator responsible for stipulating a city plan is to conduct an environmental impact assessment and other procedures with respect to a class-1 or class-2 project incorporated into city plan pursuant to the provisions of City Planning Act as urban development project, or a class-1 or class-2 project whose urban facilities are incorporated into a city plan pursuant to the provisions of the same Act, the Minister of Land, Infrastructure, Transport and Tourism is to designate the relevant document in consultation with the competent minister and the Minister of the Environment).
- (3) The results of the designation pursuant to the provisions of the preceding paragraph are made public.
- (4) The provisions of the preceding three paragraphs (except paragraph (1), items

(i) through (v) and item (x)) are applied mutatis mutandis to a port plan which newly becomes a targeted port plan in accordance with establishment, or revision or abolition of cabinet order pursuant to the provisions of Article 48, paragraph 1. In this case, the phrase "cabinet order which is based on the provisions of Article 2, paragraph (2), or paragraph (3) and involves a project that newly becomes a target project (including projects which newly become class-2 projects for which measures have been taken pursuant to the provisions of Article 4, paragraph (3), item (i) (including the cases where it is applied by replacing terms and phrases pursuant to the provisions of Article 39, paragraph (2)); hereinafter referred to as "new target project, etc.") because of the establishment, or revision or abolition of such cabinet order (referred to as a "cabinet order on target project, etc." in this Article and the following Article, paragraph (1))" in paragraph (1) is deemed to be replaced with "the cabinet order referred to in Article 48, paragraph (1) (in this Article, referred to as "Cabinet Order concerning a targeted port plan)"; the term "the relevant new target project, etc." is deemed to be replaced with "a port plan specified in paragraph (4)"; the wording "enforcement of Cabinet Order on target project, etc." is deemed to be replaced with "enforcement of Cabinet Order on a targeted port plan"; the term "an environmental impact assessment" in the same paragraph, item (vi) is deemed to be replaced with "a port environment impact assessment"; the phrase "public notice...referred to in Article 16" is deemed to be replaced with "public notice referred to in Article 16 as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "Article 17, paragraph (1)" is deemed to be replaced with "Article 17, paragraph (1) as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the phrase "a draft EIS for which the procedures specified in Article 16 and 17 have been taken" is deemed to be replaced with "a draft port EIS specified in Article 14 as applied mutatis mutandis pursuant to Article 48, paragraph (2), for which the procedures specified in Article 16 and 17 as applied mutatis mutandis pursuant to Article 48, paragraph (2), have been taken"; the term "Article 19" in item (vii) of the same paragraph is deemed to be replaced with "Article 19 as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "Article 20, paragraph (1)" in item (vii) of the same paragraph is deemed to be replaced with "Article 20, paragraph (1) as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the phrase "an EIS specified in Article 21, paragraph 2" in item (xi) of the same paragraph is deemed to be replaced with "a port EIS specified in Article 21, paragraph (2) as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term Article 27" in item (xi) of the same paragraph is deemed to be replaced with "Article 27 as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "an EIS" is deemed to be replaced with "a port EIS"; the phrase "the Minister of the Environment

(concerning administrative guidance, etc. which stipulate that the city plan stipulator responsible for stipulating a city plan is to conduct an environmental impact assessment and other procedures with respect to a class-1 or class-2 project incorporated into city plan pursuant to the provisions of City Planning Act as urban development project, or a class-1 or class-2 project whose urban facilities are incorporated into a city plan pursuant to the provisions of the same Act, the Minister of Land, Infrastructure, Transport and Tourism is to designate the relevant document in consultation with the competent minister and the Minister of the Environment)" in paragraph (2) is deemed to be replaced with "the Minister of the Environment."

Article 54 (1) Regarding a new target project, etc. which falls under one of the following items (concerning those listed in items (i) through (iv), limited to those whose contents will not be changed or which will be implemented with reduction in scale or with only minor modification, or other modification as specified in cabinet order after the enforcement date of cabinet order on a target project, etc. (hereinafter in this Article referred to as "cabinet order enforcement date")), the provisions of Chapter II through the preceding Chapter do not apply:

- (i) a project which is referred to in Article 2, paragraph (2), item (ii), (a) and is also given license, etc. or for which a special notification has been submitted prior to the cabinet order enforcement date;
 - (ii) a project which is referred to in Article 2, paragraph (2), item (ii), (b) and for which a decision on granting of government subsidy, etc. specified in the same item, (b), has been made prior to the cabinet order enforcement date;
 - (iii) beyond what is provided for in the preceding two items, a project which will be implemented based on a national plan that is specified by the provisions of laws and is also specified by cabinet order, when the relevant national plan has been decided prior to the cabinet order enforcement date;
 - (iv) beyond what is provided for in the preceding three items, a project which has been incorporated into a city plan in accordance with the City Planning Act and for which a public notice pursuant to the provisions of Article 17, paragraph (1) of the same Act has been issued prior to the cabinet order enforcement date (hereinafter including a project relating to urban facilities incorporated into the relevant city plan);
 - (v) beyond what is provided for in the preceding two items, a new target project, etc. which is specified in Article 2, paragraph (2), item (ii), (c) through (e) and will be implemented by the day on which six months have elapsed from the cabinet order enforcement date.
- (2) In the case of the preceding paragraph, when a document which falls under one of the items of the preceding Article, paragraph (1), has been prepared

concerning the relevant new target project, etc. and in accordance with a Prefectural or Municipal Ordinance prior to the cabinet order enforcement date, notwithstanding the provisions of Article 60, an environmental impact assessment and other procedures relating to the relevant project may be subsequently conducted in accordance with the relevant Prefectural or Municipal Ordinance.

- (3) Regarding a project which falls under one of the items of paragraph (1) and will be implemented as a new target project, etc. because of modification of its contents after the cabinet order enforcement date (limited to those which satisfy the conditions specified by cabinet order where the relevant modification involves reduction in degree of environmental impact), the provisions of Chapter II through the preceding Chapter do not apply.

Article 55 (1) A person who intends to implement a new target project, etc. which falls under one of the items of the preceding Article, paragraph (1), notwithstanding the provisions of the same paragraph, may conduct examination of items for a primary environmental impact consideration at the early stage, an environmental impact assessment and other procedures relating to the relevant new target project, etc. pursuant to the provisions of Articles 3-2 and 3-9 as well as Articles 5 through 27, or Articles 5 through 27, or Articles 11 through 27.

- (2) The provisions of Articles 28 through 31 and Article 32, paragraph (2), are applied *mutatis mutandis* to a target project for which an environmental impact assessment and other procedures are conducted pursuant to the provisions of the preceding paragraph. In this case, the term "the project proponent" is deemed to be replaced with "a person who intends to implement a new target project, etc. prescribed in Article 55, paragraph (1)."

Article 56 Beyond what is provided for in the preceding three Articles, in cases where an order is established, or revised or abolished based on the provisions of this Act, necessary transitional measures may be prescribed by the relevant order to the extent that is considered to be reasonably necessary for the relevant establishment, or revision or abolition.

(Delegation to Cabinet Order)

Article 57 Matters necessary for the enforcement of this Act, other than those prescribed in this Act, is prescribed by cabinet order.

(Competent Minister)

Article 58 (1) A competent minister in this Act is as indicated by the following items according to the type of project or port plan referred to in each item:

- (i) a project which falls under Article 2, paragraph (2), item (ii), (a): the minister having jurisdiction over license, etc. or special notification;
 - (ii) a project which falls under Article 2, paragraph (2), item (ii), (b): the minister having jurisdiction over decisions made by the grant decision-maker;
 - (iii) a project which falls under Article 2, paragraph (2), item (ii), (c): the minister having jurisdiction over supervision by the corporate supervisor;
 - (iv) a project which falls under Article 2, paragraph (2), item (ii), (d): the minister having jurisdiction over implementation of the relevant project;
 - (v) a project which falls under Article 2, paragraph (2), item (ii), (e): the minister having jurisdiction over implementation of the relevant project and the minister having jurisdiction over any license, special permission, permission, authorization, approval or consent, or notification referred to in (e) of the same item relating to the relevant project;
 - (vi) a port plan: the Minister of Land, Infrastructure, Transport and Tourism.
- (2) In this Act, order of the competent Ministry means an order issued by a competent minister (where the competent minister is the head of an external bureau of the Cabinet Office, then Cabinet Office Order), and order of the competent ministry or Order of the Ministry of Land, Infrastructure, Transport and Tourism means an order issued by a competent minister (where the competent minister is the head of an external bureau of the Cabinet Office, then the Prime Minister) and also by the Minister of Land, Infrastructure, Transport and Tourism (where the competent minister is the Minister of Land, Infrastructure, Transport and Tourism, then an order issued by the Minister of Land, Infrastructure, Transport and Tourism).

(Classification of Administrative Functions)

Article 59 (1) Regarding an administrative function to be carried out, pursuant to the provisions of this Act, by a person specified in Article 4, paragraph (1), item (i) or (v), or Article 22, paragraph (1), item (i), (ii) or (vi) (limited to an organ of a local government; hereinafter referred to as a "person specified in Article 4, paragraph (1), item (i), etc."), if licenses, etc. carried out by the relevant person specified in Article 4, paragraph (1), item (i), etc., or license, special permission, permission, authorization, approval or consent specified in Article 2, paragraph (2), item (ii), (e), or a special notification or a notification specified in the same item (2), (e) falls under the category of type-1 statutory entrusted function pursuant to the provisions in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947), then it is regarded as type-1 statutory entrusted function (hereinafter simply referred to as "type-1 statutory entrusted function"); and in cases where the administrative function falls under the category of type-2 statutory entrusted function pursuant to the

provisions of the same paragraph, item (ii), then it is regarded as a type-2 statutory entrusted function.

- (2) The administrative function which is carried out by a person specified in Article 4, paragraph (1), item (ii) or Article 22, paragraph (1), item (iii) (limited to an organ of a prefectural government) pursuant to the provisions of this Act is regarded as a type-1 statutory entrusted function.

(Relation to Other Acts)

Article 60 An environmental impact assessment and other procedures relating to a class-1 or class-2 project which falls under the type of project referred to in Article 2, paragraph (2), item (i), (e) is subject to this Act and the Electricity Business Act.

(Relation to Prefectural and Municipal Orders)

Article 61 The provisions of this Act do not prevent a local government from adopting a prefectural or municipal ordinance in order to establish provisions necessary to deal with the following matters:

- (i) matters relating to environmental impact assessments and other procedures regarding class-2 projects and projects other than target projects;
- (ii) matters relating to procedures for environmental impact assessments conducted by a local government with regard to a class-2 projects or a target project (limited to the cases where the provisions of this Act are not violated).

(Respect for this Act in Implementing Policies of Local Governments)

Article 62 Local governments are to respect the purpose of this Act in taking necessary measures for environmental impact assessments regarding projects having an impact on the environment of their respective areas.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding two years from the day of promulgation; provided, however, that the provisions referred to in the following items come into effect as of the date specified in each item:

- (i) the provisions of Article 1, 2, Article 4, paragraph (10), Article 13, Article 39, paragraph (2) (limited to the part relating to Article 4, paragraph (10)), Article 48, paragraphs (1) and (2) (limited to the part relating to Article 13), Article 58 and the Supplementary Provisions, Article 8: the date specified by cabinet order within a period not exceeding six months from the day of promulgation;

(ii) the provisions of Article 4, paragraph (3) (limited to the part relating to the order of the competent ministry in the same paragraph; hereinafter the same applies in this item) and paragraph (9), Article 5, paragraph (1) (limited to the part relating to the order of the competent ministry in the same paragraph; hereinafter the same applies in this item), Article 6, paragraph (1) (limited to the part relating to the order of the competent ministry in the same paragraph) and paragraph (2), Article 7 (limited to the part relating to the Order of the Prime Minister's Office in the same Article), Article 8, paragraph (2) (limited to the part relating to the Order of the Prime Minister's Office in the same paragraph), Article 11, paragraph (1) (limited to the part relating to the order of the competent ministry in the same paragraph; hereinafter the same applies in this item) and paragraph (3), Article 12, paragraph (1) (limited to the part relating to the order of the competent ministry in the same paragraph; hereinafter the same applies in this item) and paragraph (2), Article 39, paragraph (2) (limited to the part relating to Article 4, paragraph (3) and (9)), Article 40, paragraph (2) (limited to the part relating to Article 5, paragraph (1)), Article 48, paragraph (2) (limited to the part relating to Article 11, paragraphs (1) and (3), Article 12, paragraphs (1) and (2)), the following Article, paragraph (2), (3), and (4) (limited to the part relating to the same Article, paragraph (2) and (3)), and the Supplementary Provisions, Article 5: the date specified by cabinet order within a period not exceeding one year from the day of promulgation.

(Transitional Measures)

Article 2 (1) In enforcing this Act, when there is a document (limited to the documents designated pursuant to the provisions of the following paragraph at the time of enforcement of this Act), regarding a project that newly becomes a target project (including projects which newly become class-2 projects for which measures have been taken pursuant to the provisions of Article 4, paragraph (3), item (i) (including cases where it is applied by replacing terms and phrases pursuant to the provisions of Article 39, paragraph (2))), which has been prepared in accordance with Prefectural or Municipal Ordinance or administrative guidance, etc., the relevant document is deemed to fall under one of the categories specified in the following items:

- (i) a document set forth in Article 53, paragraph (1), item (i): a scoping document for which the procedure specified in Article 7 has been taken;
- (ii) a document set forth in Article 53, paragraph (1), item (ii): a document which is referred to in Article 9 and for which the procedure specified in the same Article has been taken;
- (iii) a document set forth in Article 53, paragraph (1), item (iii): a document

- referred to in Article 10, paragraph (1);
- (iv) a document set forth in Article 53, paragraph (1), item (iv): a draft EIS for which the procedures specified in Article 16 and 17 have been taken;
 - (v) a document set forth in Article 53, paragraph (1), item (v): a document which is referred to in Article 19 and for which the procedure specified in the same Article has been taken;
 - (vi) a document set forth in Article 53, paragraph (1), item (vi): a document referred to in Article 20, paragraph (1);
 - (vii) a document set forth in Article 53, paragraph (1), item (vii): an EIS referred to in Article 21, paragraph (2);
 - (viii) a document set forth in Article 53, paragraph (1), item (viii): an EIS referred to in Article 26, paragraph (2);
 - (ix) a document set forth in Article 53, paragraph (1), item (ix): an EIS for which the procedure specified in Article 27 has been taken.
- (2) Regarding the documents specified in the preceding items, when the relevant document is based on Prefectural or Municipal Ordinance or administrative guidance, etc. (limited to those relating to a local government), the Minister of the Environment designates the relevant document by asking opinions of local government; or when the relevant document is based on administrative guidance, etc. (limited to those relating to administrative organs of the national government), the competent minister designates the relevant document in consultation with the Minister of the Environment (concerning administrative guidance, etc. which stipulate that the city plan stipulator responsible for stipulating a city plan is to conduct an environmental impact assessment and other procedures with respect to a class-1 or class-2 project incorporated into city plan as urban development project pursuant to the provisions of the City Planning Act, or a class-1 or class-2 project whose urban facilities are incorporated into a city plan pursuant to the provisions of the same Act, the Minister of Land, Infrastructure, Transport and Tourism is to designate the relevant document in consultation with the competent minister and the Minister of the Environment).
- (3) The results of the designation pursuant to the provisions of the preceding paragraph is made public.
- (4) The provisions of the preceding three paragraphs (except paragraph (1), items (i) through (iii) and item (viii)) are applied mutatis mutandis to a port plan which newly becomes a targeted port plan specified in Article 48, paragraph (1) in accordance with the enforcement of this Act. In this case, the phrase "In enforcing this Act.....a project that newly becomes a target project (including projects which newly become class-2 projects for which measures have been taken pursuant to the provisions of Article 4, paragraph (3), item (i) (including cases where it is applied by replacing terms and phrases pursuant to the

provisions of Article 39, paragraph (2)))" in paragraph (1) is deemed to be replaced with "a port plan specified in paragraph (4)"; the phrase "a draft EIS for which the procedures specified in Article 16 and 17 have been taken" in the same paragraph, item (iv) is deemed to be replaced with "a draft port EIS for which the procedures specified in Article 16 and 17, as applied mutatis mutandis pursuant to Article 48, paragraph (2), have been taken"; the term "Article 19" in the same paragraph, item (v) is deemed to be replaced with "Article 19 as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "Article 20, paragraph (1)" in the same paragraph, item (vi) is deemed to be replaced with "Article 20, paragraph (1) as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the term "an EIS referred to in Article 21, paragraph (2)" in the same paragraph, item (vii) is deemed to be replaced with "a port EIS referred to in Article 21, paragraph (2) as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the phrase "an EIS for which the procedure specified in Article 27 has been taken" in the same paragraph, item (ix) is deemed to be replaced with "a port EIS referred to in Article 27 as applied mutatis mutandis pursuant to Article 48, paragraph (2)"; the phrase "the Minister of the Environment (concerning administrative guidance, etc. which stipulate that the city plan stipulator responsible for stipulating a city plan is to conduct an environmental impact assessment and other procedures with respect to a class-1 or class-2 project incorporated into city plan as urban development project pursuant to the provisions of the City Planning Act, or a class-1 or class-2 project whose urban facilities are incorporated into a city plan pursuant to the provisions of the same Act, the Minister of Land, Infrastructure, Transport and Tourism is to designate the relevant document in consultation with the competent minister and the Minister of the Environment)" in paragraph (2) is deemed to be replaced with "the Minister of the Environment."

Article 3 (1) Regarding a class-1 or class-2 project which falls under one of the following items (concerning those listed in items (i) through (iv), limited to those whose contents will not be changed or which will be implemented with reduction in scale or with only minor modification as specified by cabinet order or other modification specified by cabinet order after the enforcement date of this Act (hereinafter in this Article referred to as "enforcement date")), the provisions of Chapters II through VII do not apply:

- (i) a project which falls under Article 2, paragraph (2), item (ii), (a) and is also given license, etc. or for which a special notification has been submitted prior to the enforcement date;
- (ii) a project which falls under Article 2, paragraph (2), item (ii), (b) and for which a decision on granting of a government subsidy, etc. specified in the

- same item (ii), (b) has been made prior to the enforcement date;
 - (iii) beyond what is provided for in the preceding two items, a project which will be implemented based on a development plan specified in Article 5, paragraph (1) of the National Highway Act (Act No. 79 of 1957) or other national plan that is stipulated in the provisions of an act and is also specified by cabinet order, where the relevant national plan has been stipulated prior to the enforcement date;
 - (iv) beyond what is provided for in the preceding three items, a project which has been incorporated into a city plan in accordance with the City Planning Act and for which a public notice pursuant to the provisions of Article 17, paragraph (1) of the same Act has been issued prior to the enforcement date;
 - (v) beyond what is provided for in the preceding two items, a class-1 or class-2 project which falls under one of Article 2, paragraph (2), item (ii), (c) through (e) and will be implemented by the day on which six months have elapsed from the enforcement date.
- (2) In the case of the preceding paragraph, when a document which falls under one of the items of Article 53, paragraph (1) has been prepared concerning the relevant class-1 or class-2 project, in accordance with a Prefectural or Municipal Ordinance prior to the enforcement date, notwithstanding the provisions of Article 60, an environmental impact assessment and other procedures relating to the relevant project may be subsequently conducted in accordance with the relevant Prefectural or Municipal Ordinance.
- (3) Regarding a project which falls under one of the items of paragraph (1) and will be implemented as a class-1 or class-2 project because of modification of its contents after the enforcement date (limited to those which satisfy the conditions specified by cabinet order where the relevant modification involves reduction in degree of environmental impact), the provisions of Chapters II through VII do not apply.

Article 4 (1) A person who intends to implement a class-1 or class-2 project which falls under one of the items of the preceding Article, paragraph (1), notwithstanding the provisions of the same paragraph, may conduct an environmental impact assessment and other procedures relating to the relevant project pursuant to the provisions of Articles 5 through 27, or Articles 11 through 27.

- (2) The provisions of Articles 28 through 31 and Article 32, paragraph (2), are applied *mutatis mutandis* to a target project for which an environmental impact assessment and other procedures are conducted pursuant to the provisions of the preceding paragraph. In this case, the term "the project proponent" is deemed to be replaced with "a person who intends to implement a class-1 or class-2 project prescribed in the Supplementary Provisions Article 4,

paragraph (1)."

Article 5 (1) A person who will become a project proponent after the enforcement of this Act may conduct an environmental impact assessment and other procedures pursuant to the provisions of Articles 5 through 12, after the enforcement of the provisions set forth in the Supplementary Provisions Article 1, item (ii) and before the enforcement of this Act.

(2) When a person prescribed in the preceding paragraph intends to conduct an environmental impact assessment or to implement other procedures pursuant to the same paragraph, the relevant person without delay, is to notify the competent minister of the intention thereof in accordance with the Order of the Prime Minister's Office.

(3) The competent minister, on receiving notification under the provisions of the preceding paragraph, without delay, is to make public to that effect.

(4) In cases where the public notice has been issued pursuant to the provisions of the preceding paragraph, when a person prescribed in paragraph (1) has conducted an environmental impact assessment and other procedures, a person who will be assumed to be governor of related prefecture or mayor of related municipality after the enforcement of this Act is to conduct the procedures in accordance with the relevant provisions.

(5) Regarding a target project for which the procedures have been taken in accordance with the provisions of the preceding paragraph, the relevant procedures are deemed to have been taken, pursuant to the relevant provisions of this Act, on the enforcement date.

(6) The provisions of the preceding items are applied mutatis mutandis to a person which will become a city plan stipulator which will conduct an environmental impact assessment and other procedures in lieu of the project proponent pursuant to the provisions of Article 40, paragraph (1) after the enforcement of this Act. In this case, the term "a project proponent" in paragraph (1) is deemed to be replaced with "a city plan stipulator who will conduct an environmental impact assessment and other procedures in lieu of the project proponent pursuant to the provisions of Article 40, paragraph (1)"; the term "Article 5" is deemed to be replaced with "Article 5 as applied by replacing terms and phrases pursuant to the provisions of Article 40, paragraph (2)"; the term "the competent minister" in paragraph (2) and (3) is deemed to be replaced with "the competent minister and the Minister of Land, Infrastructure, Transport and Tourism"; the term "Article 5" in paragraph (4) is deemed to be replaced with "Article 5 as applied by replacing terms and phrases pursuant to the provisions of Article 40, paragraph (2)."

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in the Supplementary Provisions, Articles 2 through 5, matters concerning transitional measures necessary for the enforcement of this Act is specified by cabinet order.

(Review)

Article 7 When ten years have elapsed since the enforcement of this Act, the national government is to review the situation of enforcement of this Act, and take necessary measures based on the results of the relevant review.

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

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions referred to in the following items come into effect as of the date specified in each item:

- (i) the provisions in Article 1 to revise the Local Autonomy Act by adding five Articles, a Section name, two Subsections, and two Subsection titles after Article 250 (limited to the part pertaining to Article 250-9, paragraph (1) of the same Act (limited to the part pertaining to the consent of both Houses of the Diet)); the provisions in Article 40 to revise paragraphs (9) and (10) of the Supplementary Provisions to the Natural Parks Act (limited to the part pertaining to paragraph (10) of the Supplementary Provisions to the same Act); the provisions in Article 244 (except the part pertaining to the provisions to revise Article 14-3 of the Agricultural Improvement Promotion Act), and provisions in Article 472 (except the part pertaining to the provisions to revise Article 6, 8 and 17 of the Act on Special Provisions of the Merger of Municipalities), and provisions in Articles 7, 10, 12, the proviso to Article 59, Article 60, paragraph (4) and (5), Articles 73, 77, 157, paragraphs (4) through (6), Articles 160, 163, 164 and 202 of the Supplementary Provisions: the date of promulgation.

(Administrative Function of the National Government)

Article 159 Beyond what is provided for in the respective Acts prior to the revision by this Act, administrative function that is managed or executed, prior to the enforcement of this Act, by an organ of a local government on behalf of the national government, another local government or other public bodies pursuant to Acts or cabinet order enacted thereunder (hereinafter referred to as "Administrative function of the National Government, etc." in Article 161 of the Supplementary Provisions), after the enforcement of this Act, is handled by the relevant local government as its own administrative function pursuant to Acts or cabinet order enacted thereunder.

(Transitional Measures Concerning Depositions, Applications)

Article 160 (1) Regarding application of respective Acts that are revised by this Act on or after the date of the enforcement of this Act, except the provisions of Article 2 through the preceding Article of the Supplemental Provisions and the provisions concerning the transitional measures for those respective Acts (including Orders thereunder) that are revised by this Act, dispositions to grant permission, etc. and other acts (hereinafter referred to as "the acts of dispositions, etc." in this article) carried out pursuant to the provisions of Acts not yet revised by this Act (or the provisions set forth in each item of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article and Article 163 of the Supplementary Provisions) prior to the enforcement of this Act, or filing applications for permission, etc. and other acts (hereinafter referred to as "the acts of filing applications, etc." in this Article) carried out pursuant to the provisions of Acts not yet revised by this Act at the time of enforcement of this Act, in cases where administrative function pertaining to these acts is dealt with by any other administrator on the enforcement date of this Act, these is deemed to be the acts of dispositions, etc. or the acts of filing applications, etc. carried out pursuant to the corresponding provisions of the respective Acts revised by this Act.

(2) Regarding the matters for which report, notification, submission, or other procedures are required to be made or taken prior to the enforcement of this Act to a national or local government organ pursuant to the provisions of the respective Acts prior to revision, and for which those procedures have not been taken prior to the enforcement date of this Act, the provisions of the respective Acts revised by this Act is applied by regarding the same as the matters for which report, notification, submission, or other procedures are required to be made to the corresponding organ of national or local government pursuant to the corresponding provisions of the respective revised Acts, and for which those procedures have not been taken, except as otherwise provided for in this Act or Cabinet Order hereunder.

(Transitional Measures Concerning Appeals)

Article 161 (1) Regarding an appeal under the Administrative Complaint Review Act against a disposition pertaining to the Administrative Function of a National Government that was rendered before the enforcement date by an administrative agency (hereinafter referred to as a "administrative agency reaching the disposition" in this Article) that has a higher administrative agency provided for in the same Act (hereinafter referred to as a "higher administrative agency" in this Article) before the enforcement date, the provisions of the Administrative Complaint Review Act are applied even after

the enforcement date, by deeming that the administrative agency reaching the disposition continues to have a higher administrative agency. In this case, the administrative agency that is deemed to be the higher administrative agency of the relevant administrative agency reaching the disposition is the administrative agency that had been the higher administrative agency of the relevant administrative agency reaching the disposition before the enforcement date.

- (2) In the case referred to in the preceding paragraph, when the administrative agency that is deemed to be the higher administrative agency is an organ of a local government, the administrative function to be handled by the relevant organ pursuant to the provisions of the Administrative Complaint Review Act is the type-1 statutory entrusted function prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 Regarding fees payable prior to the enforcement date pursuant to the provisions of the respective Acts prior to the revision by this Act (including orders issued thereunder), except those otherwise prescribed by this Act or cabinet order hereunder, the prior laws continue to govern.

(Transitional Measures Concerning Penal Provisions)

Article 163 Prior laws continue to govern the applicability of penal provisions to acts committed before the date of enforcement of this Act.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is provided in the present Supplementary Provisions, any transitional measures necessary for the enforcement of this Act is specified by cabinet order.

- (2) Matters required for the application of the provisions of Articles 18, 51, and 184 of the Supplementary Provisions are specified by cabinet order.

(Review)

Article 250 Regarding the type 1 statutory entrusted function set forth in Article 2, paragraph (9), item (i) of the new Local Autonomy Act, creation of new functions is to be avoided to the extent possible, and the functions listed in Appended Table 1 of the new Local Autonomy Act and those specified by cabinet order under the new Local Autonomy Act is to be reviewed from the standpoint of promoting decentralization, and is to be revised as appropriate.

Article 251 (1) In order to enable local governments to execute their administrative function and projects voluntarily and independently, the

national government is to review ways to secure adequate sources of local tax revenue according to the sharing of roles between the national government and local governments as it considers prevailing economic trends, etc., and are to take necessary measures based on the review of the results.

Act for Enforcement of Acts Related to the Central Government Reform (Act Number. 160 of 1999) Extract

(Transitional Measures for Depositions, Applications)

- Article 1301 (1) Any licenses, permissions, authorizations, approvals, designations, and other dispositions or notices granted or made, or other acts conducted by the existing organs of the national government pursuant to the provisions of laws and regulations prior to the enforcement of this Act and the Acts Related to the Central Government Reform (hereinafter collectively referred to as the "Reform-related Acts, etc.") is, after the enforcement of the Reform-related Acts, etc., deemed to be licenses, permissions, authorizations, approvals, designations, and other dispositions or notices granted or made or other acts conducted by the corresponding organs of the national government in accordance with the corresponding provisions of laws and regulations after the enforcement of the Reform-related Acts, etc. in addition to what is specifically provided for by laws and regulations,
- (2) Any applications, notifications, and other acts that have been made with the existing organs of the national government pursuant to laws and regulations as of the time of the enforcement of the Reform-related Acts, etc. is, after the enforcement of the Reform-related Acts, etc., deemed as applications, notifications, and other acts made with the corresponding organs of the national government in accordance with the corresponding provisions of laws and regulations after the enforcement of the Reform-related Acts, etc. beyond what is specifically provided for by laws and regulations.
- (3) Regarding matters for which report, notification, submission, or other procedures must be conducted with the existing organs of the national government pursuant to laws and regulations prior to the enforcement of the Reform Related Acts, etc., when these procedures have not yet been conducted by the enforcement date of the Reform-related Acts, etc., with the exception of those otherwise provided for by laws and regulations, the provisions of laws and regulations after the enforcement of the Reform-related Acts, etc. are applied to such procedures, by deeming that report, notification, submission, or other procedures have not yet been conducted with respect to matters for which such procedures must be conducted with the corresponding organs of the national government pursuant to the corresponding provisions of the laws and regulations after the enforcement of the Reform-related Acts, etc.

(Delegation to Cabinet Orders)

Article 1344 Beyond what is provided for in Articles 71 through 76 and Articles 1301 through the preceding Article and in the Acts Related to the Central Government Reform, transitional measures necessary for the enforcement of the Reform-related Acts, etc. (including transitional measures concerning penal provisions) are specified by cabinet order.

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

(Effective Date)

Article 1 This Act (except Article 2 and 3) comes into effect as of January 6, 2001.

Supplementary Provisions [Act No. 73 of May 19, 2000] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding one year from the date of promulgation.

Supplementary Provisions [Act No. 10 of March 31, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004; provide, however, that the provisions of the following items come into effect as of the date specified in each of these items:

- (i) the provisions of Article 2 and Supplementary Provisions, Articles 2 through 4 and 6: the date specified by cabinet order within a period not exceeding three months from the date of promulgation;
- (ii) the provisions of Article 3 and Supplementary Provisions, Article 5 and 7: July 1, 2004.

Supplementary Provisions [Act No. 34 of April 27, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Article 1 (except the provisions of Article 30, paragraph (1) of the Act on Special Measures Concerning Urban Renaissance and the provisions to revise Article 42, item (iii) of the same Act) and of Supplementary Provisions, Article 15 come into effect as of the date of promulgation.

Supplementary Provisions [Act No. 89 of July 29, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding six months from the date of promulgation (hereinafter referred to as "the enforcement date.")

(Delegation to Cabinet Order)

Article 27 In addition to what is provided for in these Supplementary Provisions, matters concerning transitional measures necessary for the enforcement of this Act is specified by cabinet order.

Supplementary Provisions [Act No. 118 of December 22, 2006] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions of Supplementary Provisions, Article 32, paragraph (2) comes into effective from the date of promulgation

Supplementary Provisions [Act No. 19 of March 31, 2007] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [Act No. 75 of June 18, 2008] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 9 of March 31, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2011.

Supplementary Provisions [Act No. 24 of April 27, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions [Act No. 27 of April 27, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions of the following items come into effect as of the date specified in each of these items:

- (i) the provisions of Article 9 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 1, the provisions for revision in Article 2 to add a new section and a section title before Chapter II, Article 4 of the Environmental Impact Assessment Act (limited to the part pertaining to Article 3-8 of the relevant Act) and to add four articles following Chapter VI, Article 38 of the relevant Act (limited to the part pertaining to Article 38-2, paragraph (3) of the relevant Act), as well as the provisions of the following Article to Article 4 of the Supplementary Provisions, and the provisions of Article 11 of the Supplementary Provisions (except the provisions to revise the table of contents of the Electricity Business Act (Act No. 170 of 1964), the provisions to revise Article 46-4 and 46-22 of the relevant Act, as well as the provisions for revision in Chapter III, Section 2, Subsection 2-2 of the same Act to re-number Article 46-22 as Article 46-23, re-number Article 46-21 as Article 46-22, and add a new article following Article 46-20): the date specified by cabinet order within a period not exceeding one year from the date of promulgation;
- (iii) the provisions for revision in Article 2 to add a new section and a section title before Chapter II, Article 4 of the Environmental Impact Assessment Act (limited to the part pertaining to Article 3-2, paragraphs (2) and (3), as well as Article 3-7, paragraph (2) of the relevant Act) and to add four articles following Chapter VI, Article 38 of the relevant Act (limited to the part pertaining to Article 38-2, paragraph (2) of the relevant Act), as well as the provisions of Article 8 of the Supplementary Provisions: the date specified by cabinet order within a period not exceeding one year and six months from the date of promulgation.

(Transitional Measures)

Article 2 The provisions of Article 7, 16, or 27 of the Environmental Impact Assessment Act revised by Article 1 (hereinafter in this Article referred to as the "New Act") are applied to the following document pertaining to a public notice issued or public inspection conducted after the enforcement date of the provisions set forth in the preceding Article, item (ii); scoping document on

environmental impact assessment prescribed in Article 5, paragraph (1) of the same Act (hereinafter referred to as a "scoping document"); a draft environmental impact statement prescribed in Article 14, paragraph (1) of the same Act (hereinafter referred to as a "draft EIS"); or an environmental impact statement prescribed in Article 21, paragraph (2) of the same Act (hereinafter referred to as an "EIS").

Article 3 The provisions of Article 7-2 of the New Act (including the cases where it is applied *mutatis mutandis* pursuant to the provisions of Article 17, paragraph (2) of the New Act) are applied to a scoping document or a draft EIS pertaining to a public notice issued or public inspection conducted after the enforcement date of the provisions set forth in Article 1, item (ii) of the Supplementary Provisions.

Article 4 The provisions of Article 10, paragraphs (4) through (6), and Article 20, paragraphs (4) through (6) of the New Act are applied to a scoping document or a draft EIS pertaining to a public notice issued or public inspection conducted after the enforcement date of the provisions set forth in Article 1, item (ii) of the Supplementary Provisions.

Article 5 The provisions of Articles 3-2 through 3-7 of the Environmental Impact Assessment Act revised under the provisions of Article 2 (hereinafter referred to as the "Act revised under Article 2") are not applied to a project for which a public notice has been issued for a scoping document prior to the enforcement date (hereinafter referred to as "enforcement date.")

Article 6 (1) In enforcing this Act, with respect to a class-1 project prescribed in Article 2, paragraph (2) of the Environmental Impact Assessment Act (hereinafter referred to as a "class-1 project"), when there is a document which has been prepared, as referred to in the following each item, in accordance with a Prefectural or Municipal Order or administrative guidance prescribed in Article 36 of the Administrative Procedure Act (Act No. 88 of 1993) (including those enforced by a local government as prescribed in the provisions of the same Article) and other measures (in the following paragraph referred to as "administrative guidance, etc."), the relevant document is deemed to fall under one of the categories specified in the following each item:

- (i) a document set forth in Article 53, paragraph (1), item (i) of the Act revised by Article 2: a document on primary environmental impact consideration referred to in Article 3-3, paragraph (1) of the Act revised by Article 2;
- (ii) a document set forth in Article 53, paragraph (1), item (ii) of the Act revised by Article 2: a document referred to in Article 3-6 of the Act revised by

Article 2.

- (2) Regarding the documents specified in the preceding items, when the relevant document is based on Prefectural or Municipal Order or administrative guidance, etc. (limited to those pertaining to a local government), the Minister of the Environment is to designate the relevant document by asking opinions of local government; or when the relevant document is based on administrative guidance, etc. (limited to those pertaining to administrative organs of the national government), the competent minister is to designate the relevant document in consultation with the Minister of the Environment (concerning administrative guidance, etc. which stipulate that the city plan stipulator referred to in Article 38-6, paragraph (1) of the Act revised by Article 2 (hereinafter referred to as the "city plan stipulator") responsible for stipulating a city plan is to conduct an environmental impact assessment and other procedures with respect to a class-1 project incorporated into city plan pursuant to the provisions of the City Planning Act (Act No. 100 of 1968) as urban development project prescribed in Article 4, paragraph (7) of the same Act, or a class-1 project whose urban facilities are incorporated into a city plan pursuant to the provisions of the same Act, the Minister of Land, Infrastructure, Transport and Tourism is to designate the relevant document in consultation with the competent minister and the Minister of the Environment).
- (3) The results of the designation pursuant to the provisions of the preceding paragraph is made public.

Article 7 The provisions of Article 38-2 and 38-3 of the Act revised by Article 2 (including the cases where it is applied by replacing terms and phrases pursuant to the provisions of Article 40-2 of the Act revised by Article 2) are applied to a project proponent and a city plan stipulator who has issued a public notice for an EIS and has made the relevant EIS available for public inspection after the enforcement date.

- Article 8 (1) A person who is to be the one who intends to implement a class-1 project prescribed in Article 3-2, paragraph (1) of the Act revised by Article 2 after the enforcement of this Act may, before the enforcement of this Act, conduct examination of items for a primary environmental impact consideration at the early stage and other procedures prescribed in Article 3-2, paragraph (1) of the Act revised by Article 2 as prescribed in the provisions of Articles 3-2 through 3-9 of the Act revised by Article 2.
- (2) Regarding a class-1 project for which a procedure prescribed in the preceding paragraph has been taken, the relevant procedure is deemed to have been taken on the enforcement date pursuant to the corresponding provisions of the

Act revised by Article 2.

- (3) The provisions of the preceding two paragraphs, pursuant to the provisions of Article 38-6, paragraph (1) of the Act revised by Article 2, are applied mutatis mutandis to a person who is to be, after the enforcement of this Act, the city plan stipulator who intends to conduct examination of items for a primary environmental impact consideration at the early stage and other procedures prescribed in Article 3-2, paragraph (1) of the same Act as applied by replacing terms and phrases pursuant to the provisions of Article 38-6, paragraph (3) of the same Act, in lieu of a person who intends to implement a class-1 project prescribed in Article 3-2, paragraph (1) of the same Act. In this case, the phrase "the Act revised by Article 2" in paragraph (1) is deemed to be replaced with "the Act revised by Article 2 as applied by replacing terms and phrases pursuant to the provisions of Article 38-6, paragraph (3) of the Act revised under Article 2"; the phrase "of the Act revised under Article 2" is deemed to be replaced with "of the Act revised by Article 2 as applied by replacing terms and phrases pursuant to the provisions of the same paragraph."

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in the Supplementary Provisions, Articles 2 through 8, matters concerning transitional measures necessary for the enforcement of this Act are specified by cabinet order.

(Review)

Article 10 When ten years have elapsed since the enforcement of this Act, the national government is to review the situation of enforcement of this Act, and take necessary measures based on the results of the relevant review.

Supplementary Provisions [Act No. 70 of June 22, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2012; provided, however, that the provisions of the following Article come into effect as of the date of promulgation, and the provisions of Article 17 of the Supplementary Provisions come into effect as of the date of promulgation of the Act on the Development of Related Acts for Promoting Reform with the Aim of Increasing the Autonomy and Independence of Local Authorities (Act No. 105 of 2011) or the date of promulgation of this Act, whichever comes later.

Supplementary Provisions [Act No. 105 of August 30, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of the following items comes into effect as specified in each of these items:

(i) omitted;

(ii) Article 2, Article 10 (limited to the provisions for revising Article 18 of the Act on Special Districts for Structural Reform), Article 14 (limited to the provisions for revising Article 252-19 and 260 of the Local Autonomy Act, those for revising Appended Table 1 of the relevant Act, concerning the Noise Regulation Act (Act No. 98 of 1968), the City Planning Act (Act No. 100 of 1968), the Urban Renewal Act (Act No. 38 of 1969), the Basic Environment Act (Act No. 91 of 1993), and the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts (Act No. 49 of 1997), and those for revising Appended Table 2 of the relevant Act, concerning the Urban Renewal Act (Act No. 38 of 1969), the Act on Advancement of Expansion of Public Lands (Act No. 66 of 1972), the Act on Special Measures Concerning Promotion of Supply of Houses and Housing Lands in Urban Districts (Act No. 67 of 1975), the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts (Act No. 49 of 1997), and the Act on Facilitation of Reconstruction of Condominiums (Act No. 78 of 2002)), Articles 17 through 19, Article 22 (limited to the provisions for revising Articles 21-5-6, 21-5-15, 21-5-23, 24-9, 24-17, 24-28, and 24-36 of the Child Welfare Act), Articles 23 through 27, Article 29 through 33, Article 34 (limited to the provisions for revising Articles 62, 65, and 71 of the Social Welfare Act), Article 35, Article 37, Article 38 (excluding the provisions for revising Articles 46, 48-2, 50, and 50-2 of the Water Supply Act), Article 39, Article 43 (limited to the provisions for revising Articles 19, 23, 28, and 30-2 of the Human Resources Development Promotion Act), Article 51 (limited to the provisions for revising Article 64 of the Act on Prevention of Infectious Diseases and Medical Care for Patients Suffering Infectious Diseases), Article 54 (excluding the provisions for revising Article 88 and 89 of the Services and Supports for Persons with Disabilities Act), Article 65 (excluding the provisions for revising Article 3, paragraph (1), item (ix), Article 4, Article 5, and Article 57 of the Agricultural Land Act), Articles 87 through 92, Article 99 (limited to the provisions for revising Article 24-3 and 48-3 of the Road Act), Article 101 (limited to the provisions for revising Article 76 of the Land Readjustment Act), Article 102 (limited to the provisions for revising Articles 18 through 21, 27, 49, and 50 of the Act on Special Measures Concerning Road Construction and Improvement), Article 103, Article 105 (excluding the provisions for revising Article 4 of the Parking Lot Act), Article 107, Article 108, Article 115 (limited to the provisions for revising Articles 15 and 17 of the Act on the Conservation of

Suburban Green Zones in the National Capital Region), Article 116 (except the provisions for revising Article 3-2 of the Act on the Improvement of Urban Distribution Centers), Article 118 (limited to the provisions for revising Articles 16 and 18 of the Act on Arrangement of Conservation Districts in the Kinki Area), Article 120 (excluding the provisions for revising Articles 6-2, 7-2, and 8, Articles 10-2 through 12-2, and Articles 12-4, 12-5, 12-10, 14, 20, 23, 33, and 58-2 of the City Planning Act), Article 121 (limited to the provisions for revising Articles 7-4 through 7-7, Articles 60 through 62, and Articles 66, 98, 99-8, 139-3, 141-2, and 142 of the Urban Renewal Act), Article 125 (excluding the provisions for revising Article 9 of the Act on Advancement of Expansion of Public Lands), Article 128 (excluding the provisions for revising Articles 20 and 39 of the Urban Green Space Conservation Act), Article 131 (limited to the provisions for revising Articles 7, 26, 64, 67, 104, and 109-2 of the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts), Article 142 (limited to the provisions for revising Article 18 and Articles 21 through 23 of the Act on Comprehensive Development of Regional Core Cities with Relocation of Office-Work Function), Article 145, Article 146 (excluding the provisions for revising Article 5 and Article 7, paragraph (3) of the Act on Special Measures Concerning Reconstruction of Urban Districts Damaged by Disaster), Article 149 (limited to the provisions for revising Articles 20, 21, 191, 192, 197, 233, 241, 283, 311, and 318 of the Act on Promotion of Improvement of Disaster Control Districts in Populated Urban Districts), Article 155 (limited to the provisions for revising Article 51, paragraph (4) of the Act on Special Measures Concerning Urban Renaissance), Article 156 (excluding the provisions for revising Article 102 of the Act on Facilitation of Reconstruction of Condominiums), Article 157, Article 158 (limited to the provisions for revising Article 57 of the Landscapes Act), Article 160 (limited to the provisions for revising Article 6, paragraph (5) of the Act on Special Measures Concerning Development of Public Rental Housing to Accommodate Various Demands of Communities (excluding the part for revising "paragraph (2), item (ii), (a)" to "paragraph (2), item (i), (a)")) and revising Articles 11 and 13 of the relevant Act), Article 162 (limited to the provisions for revising Articles 10, 12, and 13, Article 36, paragraph (2), and Article 56 of the Act on Promotion of Smooth Transportation of Elderly Persons, Disabled Persons), Article 165 (limited to the provisions for revising Articles 24 and 29 of the Act on Maintenance and Improvement of Traditional Scenery in Certain Districts), Article 169, Article 171 (limited to the provisions for revising Article 21 of the Waste Management and Public Cleansing Act), Article 174, Article 178, Article 182 (limited to the provisions for revising Articles 16 and 40-2 of the Basic Environment Act), and Article

187 (limited to the provisions for revising Article 15 of the Protection of Wild Bird and Mammals and Hunting Management Act, revising Article 28, paragraph (9) of the relevant Act (excluding the part for revising "Article 4, paragraph (3)" to "Article 4, paragraph (4)"), those for revising Article 29, paragraph (4) of the relevant Act (excluding the part for revising "Article 4, paragraph (3)" to "Article 4, paragraph (4)"), and those for revising Articles 34 and 35 of the relevant Act), as well as the provisions of the Supplementary Provisions, namely, the provisions of Article 13, Articles 15 through 24, Article 25, paragraph (1), Article 26, Article 27, paragraphs (1) through (3), Articles 30 through 32, Article 38, Article 44, Article 46, paragraphs (1) and (4), Articles 47 through 49, Articles 51 through 53, Article 55, Article 58, Article 59, Articles 61 through 69, Article 71, Article 72, paragraphs (1) through (3), Articles 74 through 76, Article 77, Article 80, paragraphs (1) and (3), Article 83, Article 87 (excluding the provisions for revising Article 587-2 of the Local Tax Act and Article 11 of the Supplementary Provisions thereof), Article 89, Article 90, Article 92 (limited to the provisions for revising Article 25 of the National Highway Act), Article 101, Article 102, Articles 105 through 107, Article 112, Article 117 (limited to the provisions for revising Article 4, paragraph 8 of the Act on Promotion of Activities for Conservation of Biodiversity through Coordination of Diversified Actors in Community (Act No. 72 of 2010)), Article 119, Article 121-2, and Article 123, paragraph (2): April 1, 2012.

Supplementary Provisions [Act No. 122 of December 14, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two months from the date of promulgation; provided, however, that the provisions of the following items comes into effect as specified in each of these items:

- (i) the provisions in Article 6, 8, 9 and 13 of the Supplementary Provisions: the date of promulgation;

Supplementary Provisions [Act No. 60 of June 21, 2013] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of the following items comes into effect as specified in each of these items:

- (i) omitted;

- (ii) Article 4, the following Article, and the Supplementary Provisions, Article 7: the date specified by cabinet order within a period not exceeding two years from the date of promulgation.

(Transitional Measures on Partial Revision of the Environmental Impact Assessment Act)

Article 2 The provisions of the Environmental Impact Assessment Act revised by Article 4 (hereinafter referred to as the "New Act" in this Article) are applied to a project for which a public notice is issued pursuant to Article 27 of the New Act (including the cases where it is applied by replacing terms and phrases pursuant to Article 40, paragraph (2) of the New Act), or a public notice prescribed in Article 31, paragraph (3) of the New Act (including the cases where applied mutatis mutandis pursuant to Article 32, paragraph (3) of the New Act as well as the cases where it is applied by replacing terms and phrases pursuant to Article 40, paragraph (2) of the New Act) or a public notice prescribed in Article 31, paragraph (1) of the New Act as applied mutatis mutandis by replacing terms and phrases pursuant to Article 32, paragraph (3) (including the cases where it is applied by replacing terms and phrases pursuant to Article 40, paragraph (2) of the New Act), after the enforcement date of the provisions set forth in the preceding Article, item (ii). Regarding an environmental impact assessment and other procedures pertaining to other projects, prior laws continue to govern.

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, matters concerning transitional measures necessary for the enforcement of this Act are specified by cabinet order.

Supplementary Provisions [Act No. 39 of May 21, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by cabinet order within a period not exceeding three months from the date of promulgation.

Supplementary Provisions [Act No. 51 of June 4, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2015; provided, however, that the provisions of the following items come into effect as specified in each of these items:

- (i) the provisions in Article 45, and the provisions in the Supplementary

Provisions, Article 6, 17 and 18: as of the day on which one year has elapsed since the date of promulgation;