Implementation Status of the Legal EIA Procedures in Japan (as of 31st March 2012)

Opinions of the Minister of the Environment

<table>
<thead>
<tr>
<th>Total</th>
<th>On-going</th>
<th>Completed</th>
<th>Aborted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste disposal site</td>
<td>77</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Road</td>
<td>12</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>River</td>
<td>56</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Railway</td>
<td>9</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Airport</td>
<td>56</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>Power plant</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Landfill and reclamation</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>1972</td>
<td>12</td>
<td>14</td>
</tr>
</tbody>
</table>

1972 EIA for public works
1981
1984
1993
1997
1999
2011
2013
(Year)

Process of establishing the Environmental Impact Assessment Law

Approval of “On the Environmental Conservation Measures Relating to Public Works” by the Cabinet
Submission of “Environmental Impact Assessment Bill” to the Diet (void in 1983)
Decision on the “Implementation of Environmental Impact Assessment” by the Cabinet
Enactment of the “Environmental Impact Assessment Law”
Enforcement of “Environmental Impact Assessment Law”

Institutionalization of the system by administrative guidance instead of law
Legal recognition of EIA
Legislation on EIA
Enactment of the “Basic Environment Law”
Revision of the “Environmental Impact Assessment Law”
Complete enforcement of the Revised “Environmental Impact Assessment Law”

In Japan, a system on EIA (Environmental Impact Assessment) was first introduced in 1972 for public works. The systems relating to port and harbor planning, reclamation, power plants and the Shinkansen (super-express train) were established later around 1980. In the course of implementing EIA under these systems, the need for an integrated system/standardized rule was recognized. Therefore the environmental impact assessment bill was proposed to the Diet in 1981 but failed to pass in 1983.

After the bill became void, a standardized rule of “Implementation of Environmental Impact Assessment” was set up through a Cabinet decision in 1984. Furthermore, local governments also promoted the establishment of their own ordinances and guidelines on EIA.

Later, a review of the system began when promotion of EIA was stipulated in the “Basic Environment Law” enacted in 1993. As a result, corresponding to the framework of the new environmental policy as well as referring to EIA systems in other countries, the “Environmental Impact Assessment Law” was enacted in June 1997. Since the enactment, in accordance with the EIA Law, a total of 142 projects in the sectors of road, power plant and others have been completed the EIA procedures so far.

In April 2011, the Revised EIA Law was enacted in which an EIA procedure at the planning stage (Primary Environmental Impact Consideration) and a procedure for reporting and announcing results of the measures for protecting the environment (Impact Mitigation Reporting) were incorporated.

I EIA (Environmental Impact Assessment)

1. The EIA System in Japan

2. The Environmental Impact Assessment Law

(1) Objective
(2) Revision of the Environmental Impact Assessment Law
(3) Projects subject to EIA
(4) Who implements EIA?
(5) Procedure of EIA
(6) Primary Environmental Impact Consideration
(7) Judgment of Class-2 projects (Screening)
(8) Procedure for the draft of the assessment method (Scoping)
(9) Implementation of EIA
(10) Procedure for the Draft EIS
(11) Procedure for the EIS
(12) Reflecting the assessment results in the project scheme
(13) Impact Mitigation Reporting
(14) Special cases

3. EIA system of local governments

(1) Current state of the system of local governments
(2) Relationship between the Environmental Impact Assessment Law and the local ordinances

4. Further information on the EIA system in Japan

(1) Environmental Impact Assessment Network
(2) Access to the Environmental Impact Statements (EISs)

(14) Special cases

When the project is included in city planning
- The prefectural and municipal governments responsible for the city planning perform the procedure instead of the project proponent.
- EIA proceeds along with the procedure for formulation of city planning.
- The assessment results are also reflected in the city planning.
- Impact Mitigation Reporting is carried out by the proponent of the city planning project.

Port planning
- The assessment is made not for the project, but for the port planning, and is carried out by port management bodies.
- Primary Environmental Impact Consideration, Screening, Scoping and Impact Mitigation Reporting are not carried out.

Power plant
- The national government (Minister of Economy, Trade and Industry) presents his/her opinion to the Scoping Document and the Draft EIS.
- Impact Mitigation Reporting is limited to the publication of Impact Mitigation Report.