

Basic Act on Establishing a Sound Material-Cycle Society

(Act No. 110 of June 2, 2000)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote comprehensively and systematically the policies for the establishment of a Sound Material-Cycle Society and thereby help ensure healthy and cultured living for both the present and future generations of the nation, through articulating the basic principles on the establishment of a Sound Material-Cycle Society, in conformity with the basic philosophy of the Environment Basic Act (Act No. 91 of 1993), clarifying the responsibilities of the State, local governments, business operators and citizens, and articulating fundamental matters for making policies for the formation of a Sound Material-Cycle society, including those for establishing the fundamental plan for Establishing a Sound Material-Cycle Society.

(Definitions)

Article 2 (1) For the purpose of this Act, a "Sound Material-Cycle Society" means a society in which the consumption of natural resources will be conserved and the environmental load will be reduced to the greatest extent possible, by preventing or reducing the generation of wastes, etc. from products, etc. , by promoting proper cyclical use of products, etc. when these products, etc. have become circulative resources, and by ensuring proper disposal of circulative resources not put into cyclical use (i.e., disposal as wastes, with "wastes" defined as set forth in Article 2, paragraph (1) of the Waste Disposal and Public Cleansing Act (Act No. 137 of 1970). These same definitions of "proper disposal" and "waste" shall apply hereinafter).

(2) In this Act, "wastes, etc." are those listed below:

(i) Wastes;

(ii) Articles previously used, articles collected without having been used, or articles disposed of (excluding those currently in use); or, articles derived incidentally in the course of manufacturing, processing, repairing, or selling products, in supplying energy, in construction in civil engineering and architecture, in agricultural and livestock production, and in other human activities (excluding wastes listed in the preceding item, radioactive substances, and the things contaminated by radioactive substances).

- (3) In this Act, "circulative resources" are useful things among wastes, etc.
- (4) In this Act, "cyclical use" means reuse, recycling, and heat recovery.
- (5) In this Act, "reuse" refers to the actions listed below:
- (i) To use circulative resources as is, as products (including using them after conducting repairs);
 - (ii) To use circulative resources in their entirety or in part as components or parts of products.
- (6) In this Act, "recycling" means the use of circulative resources in their entirety or in part as raw materials.
- (7) In this Act, "heat recovery" means to use for obtaining heat things that are circulative resources in their entirety or in part and that can be used for combustion, or that potentially have such use.
- (8) In this Act, "environmental load" means the load placed on the environment as defined in Article 2, paragraph (1) of the Environment Basic Act.

(Establishment of a Recycling-based Society)

Article 3 The establishment of a Sound Material-Cycle Society must be undertaken so as to promote the realization of a society that can develop sustainably as it develops a sound economy with a minimized environmental load, through conducting relevant actions voluntarily and proactively, based on technological and economic potential.

(Proper Role Sharing, etc.)

Article 4 The establishment of a Sound Material-Cycle Society must be undertaken by having necessary measures carried out under the proper sharing of roles among the State, local governments, business operators, and citizens, and with the costs of such measures shared appropriately and fairly among them.

(Preventing or Reducing Raw Materials, Products, etc. Becoming Wastes, etc.)

Article 5 Raw materials, products, etc. becoming wastes, etc. must be prevented or reduced to the greatest extent possible by means of the efficient use of raw materials and the longest possible use of products, in light of the necessity of minimizing the environmental load resulting from the cyclical use or disposal of raw materials, products, etc. when they have become circulative resources.

(Cyclical use and Disposal of Circulative Resources)

Article 6 (1) Circulative resources must be put into cyclical use to the greatest extent possible, in light of the need to reduce environmental load by decreasing the quantity disposed of.

(2) The cyclical use and disposal of circulative resources must be undertaken

properly so as not to pose impediments to environmental conservation.

(Basic Principles of the Cyclical use and Disposal of Circulative Resources)

Article 7 The cyclical use and disposal of circulative resources must be undertaken to the extent technologically and economically possible, taking it into full consideration that, for the reduction of environmental load, it is necessary to proceed under the provisions of the following items. However, consideration must be given to not proceeding under the provisions of the following items if it is deemed effective in reducing environmental load not to proceed under those provisions.

- (i) Regarding the entirety of, or one part of, circulative resources, that what can be reused must be reused.
- (ii) Regarding the entirety of, or one part of, circulative resources, that what are not reused under the preceding item (i) and can be recycled must be recycled.
- (iii) Regarding the entirety of, or one part of, circulative resources, that what is not reused under the above item (i) nor recycled under the preceding item (ii), and from which heat recovery is possible, heat recovery must be undertaken.
- (iv) Regarding the entirety of, or one part of, circulative resources, that what does not undergo cyclical use under the foregoing three items must be disposed of.

(Consideration towards the Organic Linkage of Policies and Measures)

Article 8 In formulating policies and measures for establishing a Sound Material-Cycle Society, necessary consideration shall be given towards fostering mutual organic linkages with policies and measures for ensuring proper circulation of substances in nature and other policies and measures for environmental conservation.

(Responsibility of the State)

Article 9 The State is responsible for formulating and implementing fundamental and comprehensive policies and measures towards the establishment of a Sound Material-Cycle Society, pursuant to the basic principles for establishing a Sound Material-Cycle Society as prescribed in Articles 3 to 7 inclusive (hereinafter referred to as the "Basic Principles").

(Responsibility of Local Governments)

Article 10 Local governments, pursuant to the Basic Principles, are responsible for implementing necessary measures to ensure proper cyclical use and disposal of circulative resources, as well as for formulating and implementing policies and measures in accordance with the natural and social conditions of

the local governments' jurisdiction, based on proper role-sharing with the State, towards the establishment of a Sound Material-Cycle Society.

(Responsibility of Business Operators)

Article 11 (1) In conducting business activities, pursuant to the Basic Principles, business operators are responsible for taking necessary measures to prevent or reduce the incidence of raw materials, etc. becoming wastes, etc. in the course of business activities. When raw materials, etc. have become circulative resources in the course of business activities, business operators are responsible for undertaking proper cyclical use of such resources through self-initiated actions, or for taking necessary measures to enable proper cyclical use to take place. In cases in which raw materials, etc. cannot undergo cyclical use, business operators are responsible for undertaking proper disposal, on their own responsibility.

(2) Business operators engaged in the manufacturing, sale, etc. of products, containers, etc. are, pursuant to the Basic Principles, in the course of business activities, responsible for taking necessary measures to prevent or reduce the incidence of such products, containers, etc. from becoming wastes, etc. , including by increasing the durability of the products, containers, etc. concerned, and by strengthening systems for conducting repairs to these goods. At the same time, these business operators are responsible for taking necessary measures to facilitate the proper cyclical use of, and to minimize the difficulties involved in the proper disposal of, such products, containers, etc. that are circulative resources, by improving the design of these products, containers, etc. , indicating their materials or components, and other means.

(3) In addition to the provisions in the preceding paragraph, it is necessary for the State, local governments, business operators, and citizens to properly divide their respective roles in order to undertake in a proper and smooth manner the cyclical use of products, containers, etc. which have become circulative resources. In cases in which the roles of any particular business operators are deemed important in establishing a Sound Material-Cycle Society from the viewpoint of such considerations as the design and selection of raw materials for products, containers, etc. and the collection, etc. of products, containers, etc. that have become circulative resources, pursuant to the Basic Principles, the business operators undertaking the manufacture, sale, etc. of these products, containers, etc. are themselves responsible for collecting or delivering, or undertaking the proper cyclical use of, these products, containers, etc. which have become circulative resources, as their responsibility within the division of roles.

(4) In cases in which the cyclical use of circulative resources is both technically and economically possible and in which the promotion of cyclical use is deemed

important for the establishment of a Sound Material-Cycle Society, business operators able to undertake the cyclical use of these circulative resources, pursuant to the Basic Principles, are responsible for undertaking the proper cyclical use of these circulative resources in the course of business activities.

(5) In addition to the provisions in the foregoing paragraphs, business operators are, pursuant to the Basic Principles, responsible for making their own efforts towards the establishment of a Sound Material-Cycle Society by using recycled articles, etc. in the course of business activities, and for cooperating with policies and measures implemented by State or local governments towards the establishment of a Sound Material-Cycle Society.

(Responsibility of Citizens)

Article 12 (1) Citizens are, pursuant to the Basic Principles, responsible for making efforts to prevent or reduce the generation of wastes from products, etc. and to promote appropriate cyclical use of the products, etc. that have become circulative resources, as well as for cooperating with the State and local governments regarding policies and measures on the proper disposal of such products, etc. , by using products as long as possible, using recycled articles, and cooperating in the separation and collection of circulative resources, etc.

(2) In addition to the provisions in the preceding paragraph, with regard to the products, containers, etc. stipulated in paragraph (3) of the preceding Article, citizens are, pursuant to the Basic Principles, responsible for cooperating in measures implemented by relevant business operators, by delivering the products, containers, etc. that have become circulative resources properly to the business operators stipulated in that paragraph, and by other appropriate practices.

(3) In addition to the provisions in the foregoing two paragraphs, citizens are, pursuant to the Basic Principles, responsible for making their own efforts towards the formation of a Sound Material-Cycle Society and for cooperating in the policies and measures implemented by the State or local governments for establishing a Sound Material-Cycle Society.

(Legislative Measures, etc.)

Article 13 The Government shall take legislative or financial measures and other measures necessary to implement the policies and measures for establishing a Sound Material-Cycle Society.

(Annual Reports, etc.)

Article 14 (1) The Government shall submit annually to the Diet reports on the state of the generation, cyclical use and disposal of circulative resources, and on the policies and measures the government has implemented towards the

establishment of a Sound Material-Cycle Society.

- (2) The Government shall annually prepare and submit to the Diet documents clarifying the policies and measures it is going to implement in light of the state of the generation, cyclical use and disposal of circulative resources as reported under the preceding paragraph.

Chapter II The Fundamental Plan for Establishing a Sound Material-Cycle Society

(Formulation, etc. of the Fundamental Plan for Establishing a Sound Material-Cycle Society)

- Article 15 (1) The Government shall establish a Fundamental Plan for establishing a Sound Material-Cycle Society (hereinafter referred to as the "Fundamental Plan for Establishing a Sound Material-Cycle Society"), for the purpose of comprehensive and systematic promotion of the policies and measures for establishing a Sound Material-Cycle Society.
- (2) The Fundamental Plan for Establishing a Sound Material-Cycle Society shall provide the following matters:
 - (i) Basic principles on policies and measures for establishing a Sound Material-Cycle Society;
 - (ii) The policies and measures the Government should make comprehensively and systematically for establishing a Sound Material-Cycle Society;
 - (iii) In addition to the matters stated in the foregoing two items, other necessary matters to promote the policies and measures for establishing a Sound Material-Cycle Society comprehensively and systematically.
 - (3) The Central Environment Council shall, by April 1, 2002, share its views with the Minister of the Environment regarding concrete guidelines for establishing the Fundamental Plan for Establishing a Sound Material-Cycle Society.
 - (4) The Minister of the Environment shall, in accordance with the concrete guidelines under the preceding paragraph, hear the views of the Central Environment Council, prepare a draft Fundamental Plan for Establishing a Sound Material-Cycle Society, and seek a Cabinet decision on it by October 1, 2003.
 - (5) The Minister of the Environment shall, in preparing the draft Fundamental Plan for Establishing a Sound Material-Cycle Society, consult with the Ministers in charge of the matters on securing effective use of resources.
 - (6) After the Cabinet decision is obtained under paragraph (4), the Minister of the Environment shall, without delay, report the Fundamental Plan for Establishing a Sound Material-Cycle Society to the Diet and make it available to the public.
 - (7) The Fundamental Plan for Establishing a Sound Material-Cycle Society shall

be reviewed every five years or so, and the provisions of paragraph (3) through (5) of this Article shall apply correspondingly to the amendments of the Fundamental Plan for Establishing a Sound Material-Cycle Society. In this case, "by April 1, 2002" in paragraph (3) shall be read as "in advance," and "by October 1, 2003" in paragraph (4) as "without delay."

(The Relationship between the Fundamental Plan for Establishing a Sound Material-Cycle Society and Other National Plans)

Article 16 (1) The Fundamental Plan for Establishing a Sound Material-Cycle Society shall be established based on the Basic Environment Plan provided in the Article 15, paragraph (1), of the Environment Basic Act (hereinafter referred to as the "Basic Environment Plan").

(2) With the exceptions of the Basic Environment Plan and the Fundamental Plan for Establishing a Sound Material-Cycle Society, the State's plans shall, with regard to establishing a Sound Material-Cycle Society, be based on the Fundamental Plan for Establishing a Sound Material-Cycle Society.

Chapter III The Basic Policies for Establishing a Sound Material-Cycle Society

Section 1 Policies of the State

(Measures for Preventing or Reducing the Generation of Wastes, etc. from Raw Materials, Products, etc.)

Article 17 (1) The State shall take regulatory and other necessary measures so that business operators may prevent or reduce the generation of wastes, etc. from raw materials, etc. through effective use of raw materials, the use of reusable containers, etc. in its business activities.

(2) The State shall take necessary measures, such as the dissemination of related knowledge, so that citizens may prevent or reduce the generation of wastes, etc. from products, etc. through the use of products as long a time as possible, through choosing products for which containers, etc. are not excessively used, and so on.

(Measures for Proper Recycling and Disposal of Circulative Resources)

Article 18 (1) The State shall take regulatory and other necessary measures so that business operators may themselves, in their business activities, conduct appropriate cyclical use of the circulative resources resulting from such activities, or promote their appropriate cyclical use, or dispose on their own responsibility circulative resources not recycled.

(2) The State shall take necessary measures so that citizens may promote the appropriate cyclical use and disposal of circulative resources through

cooperation in separate collection of their used products, etc. which have become circulative resources, cooperation in the appropriate and smooth execution of such collection, delivery and recycling of circulative resources as stipulated in the following paragraph, and other cooperative actions.

(3) In order to promote the appropriate and smooth cyclical use of products, containers, etc. when they have become circulative resources, with regard to the products, containers, etc. for which it is deemed necessary for the State, local governments, business operators and citizens to share their respective roles properly, and for which the roles of the business operators concerned are deemed important in establishing a Sound Material-Cycle Society from the viewpoints of the design of such products, containers, etc. , the selection of their raw materials, and the collection, etc. of such products, containers, etc. when they have become circulative resources, the State shall, after taking into consideration the technological difficulty in disposing of the circulative resources concerned, the possibility of cyclical use of such resources, etc. , take necessary measures so that business operators engaged in manufacturing, selling, etc. of such products, containers, etc. may collect such products, containers, etc. which have become circulative resources, or deliver such circulative resources collected, or make appropriate cyclical use of such circulative resources collected.

(4) The State shall, with regard to the circulative resources the cyclical use of which is technologically and economically possible and for which the promotion of cyclical use is deemed important in establishing a Sound Material-Cycle Society, take regulatory and other necessary measures so that the business operators be able to implement cyclical use of such circulative resources in their business activities may conduct this cyclical use appropriately.

(Promotion of Use of Recycled Articles)

Article 19 In order to contribute to the increase in demand for recycled articles, the State shall take the lead in making use of recycled articles and take necessary measures so that the use of recycled articles by local governments, business operators and citizens may be promoted.

(Promotion, etc. of Prior Evaluation of Products, Containers, etc.)

Article 20 (1) Taking the degree of environmental load by the recycling and disposal of circulative resources into consideration, the State shall engage in technological support and other necessary measures to help business operators, in manufacturing, processing or selling of goods or in other business activities, make their own evaluation beforehand of the matters listed in the following items with regard to the products, containers, etc. involved in their business activities, and based on such evaluation results, devise various means to

reduce environmental load related with such products, containers, etc. , so that the generation of wastes, etc. , from such products, containers, etc. may be prevented or reduced, that the cyclical use of such products, containers, etc. when they have become circulative resources may be promoted and that the environmental load by the cyclical use and disposal of them may be reduced:

- (i) Matters relating to the durability of the products, containers, etc. involved in their business activities;
 - (ii) Matters relating to difficulties in the cyclical use and disposal of products, containers, etc. involved in their business activities when they have become circulative resources;
 - (iii) Matters relating to the weight or volume of the products, containers, etc. involved in their business activities when they have become circulative resources;
 - (iv) Matters relating to the kinds and quantities of the substances contained in the products, containers, etc. involved in their business activities, feared to cause damage to human health or to humans' life environment (including properties closely related with human life, and animals & plants and their habitats closely related with human life), and the matters relating to the degree of environmental load by the disposal of such products, containers, etc. when they have become recyclable products.
- (2) The State shall take regulatory and other necessary measures to ensure that business operators will provide information on the materials or substances in the products, containers, etc. involved in their business activities, the methods of their disposal, and other matters necessary to prevent or reduce the generation of wastes, etc. of such products, containers, etc. , or to ensure their cyclical use and disposal when they have become circulative resources, to business operators engaged in their cyclical use and disposal, to citizens, etc.

(Prevention of Obstacles to Environmental Conservation)

Article 21 The State shall take regulatory and other necessary measures to control the discharge of substances causing environmental pollution (pollution as defined in Article 2, paragraph (3), of the Environment Basic Act), in order to prevent or reduce the generation of wastes, etc. from raw materials, etc. and prevent obstacles to environmental conservation in the cyclical use and disposal of circulative resources.

(Measures such as Removal of Obstacles to Environmental Conservation)

Article 22 In the case where the cyclical use and disposal of circulative resources are recognized to cause obstacles to environmental conservation, the State shall take necessary measures to require the business operators that used, disposed of or discharged the circulative resources causing obstacles to

environmental conservation to bear the expenses necessary for the appropriate treatment of the circulative resources, remove the obstacles to environmental conservation, and restore the affected environment to its original state. In this case, the State shall take necessary measures, including the creation of a fund to which business operators, etc. contribute, so that the costs may be covered even when the business operators concerned cannot bear such expenses owing to lack of financial resources, inability to determine liability, etc.

(Economic Measures to Prevent or Reduce Raw Materials, etc. from Becoming Wastes, etc.)

Article 23 (1) In order to help business operators engaged in the manufacturing or processing of products, etc. , or the cyclical use, disposal, collection or transport of circulative resources improve their facilities for efficient use of raw materials, expand their facilities for manufacturing recycled articles, or take other suitable measures to prevent or reduce raw materials, etc. from becoming wastes, etc. or to conduct proper cyclical use and disposal of circulative resources, the State shall make efforts to take necessary measures to give them necessary and appropriate economic assistance, taking their economic situations, etc. into consideration.

(2) With regard to policies to urge business operators and citizens, by imposing appropriate and fair economic burdens, to take actions contributing to the prevention or reduction of the generation of wastes, etc. from products, containers, etc. or the appropriate and smooth cyclical use or disposal of products, containers, etc. when they have become circulative resources, the State shall conduct proper surveys and studies on any possible effects, influences on the Japanese economy, etc. if any measures under such policies are taken, and shall make efforts to gain understanding and cooperation from citizens towards establishing a Sound Material-Cycle Society by making use of such policies and measures if it is necessary to introduce them.

(Construction of Public Facilities)

Article 24 The State shall take necessary measures to promote the construction of public facilities (including mobile facilities) available for the cyclical use, disposal, collection or transport of circulative resources, as well as other public facilities contributing to the establishment of a Sound Material-Cycle Society.

(Measures to Ensure Proper Policy-Making, etc. by Local Governments)

Article 25 The State shall take necessary measures to ensure that policies for establishing a Sound Material-Cycle Society, including those on the cyclical use and disposal of circulative resources, will be appropriately made and implemented by local governments.

(Financial Measures, etc. towards Local Governments)

Article 26 The State shall make efforts to take necessary financial and other measures regarding the costs for local governments to make and implement policies for establishing a Sound Material-Cycle Society.

(Promotion, etc. of Education and Learning on the Establishment of a Sound Material-Cycle Society)

Article 27 The State shall take necessary measures for the improvement of publicity and the promotion of education and learning on the establishment of a Sound Material-Cycle Society, in view of the fact that it is indispensable to gain the understanding and cooperation of business operators and citizens in order to facilitate the transformation into a Sound Material-Cycle Society.

(Measures to Encourage Voluntary Activities by Non-Government Organizations, etc.)

Article 28 (1) The State shall take necessary measures to encourage voluntary activities for establishing a Sound Material-Cycle Society by business operators, citizens, or non-government organizations organized by them (called "non-government organizations, etc." in the following paragraph), including such activities as collecting circulative resources, holding gatherings for the transfer or exchange of circulative resources, and indicating contributions to the cyclical use and disposal of products, containers, etc. when they have become circulative resources.

(2) The State shall make efforts to properly provide necessary information on the establishment of a Sound Material-Cycle Society, including information on the occurrence of circulative resources and the state of their cyclical use and disposal, to help promote voluntary activities by non-government organizations, etc. towards the establishment of a Sound Material-Cycle Society, as mentioned in the preceding paragraph.

(Conducting of Surveys)

Article 29 The State shall conduct necessary surveys to prepare and implement appropriately the policies and measures for establishing a Sound Material-Cycle Society, including surveys of the occurrence, cyclical use and disposal of circulative resources, their future outlook, or the environmental impact of disposal of circulative resources.

(Promotion of Science and Technology)

Article 30 (1) The State shall promote the development of science and technology towards the establishment of a Sound Material-Cycle Society, including

methods for evaluating the degree of environmental load resulting from the cyclical use and disposal of circulative resources and technologies for preventing or restraining the generation of wastes, etc. from products, etc. or for appropriate cyclical use and disposal of circulative resources.

(2) The State shall take necessary measures, including improvement of research systems, promotion of research and development activities, dissemination of its results, and training of researchers, to promote the development of science and technology towards the establishment of a Sound Material-Cycle Society.

(Measures for International Cooperation)

Article 31 The State shall take necessary measures to promote international mutual cooperation on the establishment of a Sound Material-Cycle Society, including securing international cooperation on the cyclical use and disposal of circulative resources, in view of the importance of establishing a Sound Material-Cycle Society under international cooperation.

Section 2 Policies of Local Governments

Article 32 Local governments shall implement necessary policies and measures for establishing a Sound Material-Cycle Society according to the natural and social conditions of the local governments' jurisdiction, as it works to promote their comprehensive and systematic promotion.

Supplementary Provision [Extract]

(Date of Enforcement)

Article 1 This Act shall enter into force on the day of its promulgation, except for the provisions of Articles 15 and 16, which shall enter into force on the 6th of January 2001.