

Outline of Questionnaire for Comprehensive Review of OTO Cases

Office of Trade and Investment Ombudsman, Cabinet Office

*This material is an outline of the decisions made by the Office of Market Access (problem-raising cases for which decisions were made by the Office of Market Access), the contents of the problems raised and the corresponding policies for each (problem-raising cases that were handled in a lump), and complaint contents and the corresponding policies for each (individual complaints). It was compiled by the Secretariat of the OTO based on the present situation and response conditions of the responsible ministries as explanatory material for the Market Access Ombudsman Council.

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*Symbols in the table are read as follows:

+ (Column of responsible ministries and agencies): Items that were considered to require “measures to promote imports” by responsible ministries and agencies.

a (Right column): Items that were considered to require “measures to promote imports” by responsible ministries and agencies and for which the measures have already been implemented.

b (Right column): Items that were considered to require “measures to promote imports” by responsible ministries and agencies and for which the measures have been partially implemented.

(Right column): Items that were considered to require “measures to promote imports” by responsible ministries and agencies and for which implementation of “measures to promote imports” has been delayed.

(Column of responsible ministries and agencies): Items that were not considered to require “measures to promote imports” by responsible ministries and agencies.

*(Right column): Items that were not considered to require “measures to promote imports” by responsible ministries and agencies and for which new improvement measures that were not included in the original corresponding policy were implemented.

(Abbreviations)

CAO: Cabinet Office, FTC: Fair Trade Commission, NPA: National Police Agency, FSA: Financial Services Agency, MPHPT: Ministry of Public Management, Home Affairs, Post and Telecommunications, MOJ: Ministry of Justice, MOFA: Ministry of Foreign Affairs, MOF: Ministry of Finance, MEXT: Ministry of Education, Culture, Sports, Science and Technology, MHLW: Ministry of Health, Labor and Welfare, MAFF: Ministry of Agriculture, Forestry and Fisheries, METI: Ministry of Economy, Trade and Industry, MLIT: Ministry of Land, Infrastructure and Transport, MOE: Ministry of the Environment

(Other symbols)

Other symbols in the table (Right column) are read as follows:

A: Improvement measures were taken (e.g. Amendment of regulations, changes in the application of regulations, changes in procedures)

Ca: The complainant’s misunderstandings about systems or procedures were cleared up, this resulting in an import-promoting effect.

Cc: The complainant’s misunderstandings about systems or procedures were cleared up, but these did not result in an import-promoting effect

D: No measures were taken for the claim.

(i) Problem Raising Process

(Decisions made by the Office of Market Access)

1. Related to animals, plants and foods

Name of complaint	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions	
Transparency and rationalization of plant quarantine (70101)	MAFF +	The ministry shall aim to specify the reason for disinfection order, etc. by (i) establishing a system to issue all documents specifying the names of quarantine pests by promoting computerization, and (ii) creating a column to specify reasons for a disinfection order, etc., such as the names of quarantine pests, in the “Disinfection (Disposal) Order” form.	The ministry dealt with the complaint by the “Market Access Issues as Concerns Standards, Certification and Others” (Notice of the Director-General of the Agricultural Production Bureau and Notice of the Director of the Plant Protection Division, Agricultural Production Bureau dated July 10, 2002) (hereinafter the same for this case). (i) The ministry positions the “project to operate the computerized processing of imported-plant inspections,” etc. as procedures that should be computerized by priority among the various other procedures being computerized to establish an e-government. Based on that, plant protection stations consider system design and other things. (ii) The ministry will specify reasons for a disinfection order, etc. in separate form No. 11 of the Plant Protection Law Enforcement Regulation (Ministry of Agriculture, Forestry and Fisheries Ordinance No. 73 of 1950) and issue it.	b

	MAFF +	For the benefit of those who need to have a “disinfection (disposal) order” issued, the ministry shall introduce a system to register importers, etc. who want to have a “disinfection (disposal) order” issued each time and to automatically issue a “disinfection (disposal) order” to such importers even without a separate request for the issuance.	Each Plant Protection Station is equipped with a “Register of Importers Who Want to Have a Disinfection (Disposal) Order Issued” and registers importers, etc. by item and by language (Japanese/English) at their request. If the registered importer’s cargo was rejected by the import inspection, a disinfection (disposal) order will be issued in each case without a separate request for the issuance. In addition, the ministry aims to publicize this system through explanatory meetings, etc.		a
	MAFF +	In terms of disinfection methods, the ministry shall actively work on developing new technology, and strive to establish and adopt a disinfection method that is less harmful to plants, etc. or that uses only a small amount of methyl bromide, if at all.	Development research has been proceeding within Japan and abroad (fumigation by carbon dioxide, etc.), but Plant Protection Stations shall further actively work on development research in the future.		b
	MAFF +	In order to lessen the burden on importers, etc. and make it more convenient for them, the ministry shall study ways to notify importers, etc. of estimated times to start inspection for each importer upon inquiry from importers.	A daily schedule of inspections is posted for the perusal of importers, etc. The list contains the time at which the relevant plant protection officer is scheduled to leave the office and the route of the inspection. If importers personally observe the inspection, they are notified of as specific a time as possible to start inspection.		a

	MAFF +	The ministry shall strive to fully inform those concerned that it is not necessary to involve the Japan Plant Quarantine Association in fumigation, so that importers wishing to have their imports fumigated without the involvement of the association can do so without any restrictions.	The ministry informed the organizations concerned of this through the document “Concerning Informing of Fumigation Without the Involvement of the Japan Plant Quarantine Association” (Notice of the Director of the Plant Protection Division dated June 1, 2002), and advised the chiefs of Plant Protection Stations to make efforts to give appropriate guidance and increase the transparency of the plant quarantine procedure. The ministry will continue to respond appropriately.		b
	MAFF +	The ministry shall strive to increase the efficiency of plant protection officers’ operations and study measures to implement all-case, same-day inspection in response to a seasonal fluctuation of import volume by, for example, utilizing private engineers or part-time workers to implement the supplementary operations of plant protection officers.	In order to respond to a seasonal fluctuation of import volume, the ministry aims to facilitate operations through employment of part-time workers for the ancillary operations of plant protection officers in the busy season. In terms of computer system operations, database creation and other operations for which private-sector technical capability can be utilized, the ministry will consider the efficient implementation by outsourcing, etc.		b
Allowing food testing to be (70102) conducted by private sector organizations	MHLW +	The ministry shall clarify the specific contents of necessary measures to designate private sector testing organizations as designated organizations under the Food Sanitation Law, and aim to submit a bill to amend the law to the current Diet session (154th) wherever possible, or to the next Diet session at the latest.	In principle, the ministry plans to take measures in a radical amendment to the Food Sanitation Law scheduled for 2003.		b

Utilization of the newly introduced Foreign Organization (Organic JAS) Registered Certification System (70103)	MAFF +	The ministry, prompted by the problem-raising in question, has set the standard processing period (within three months) for registration of new Registered Foreign Certification Organizations, etc. In its actual implementation, the ministry shall strive to increase the efficiency of paper work to handle applications promptly.	The ministry has been trying to promptly handle applications, and plans to register five organizations in Europe by September 13, 2002 and another two organizations by the middle of October. The average processing period is shorter than three months if excluding the period before the submission of a response to inquiries from the ministry.		a
	MAFF +	From the standpoint of increasing the number of Registered Foreign Certification Organizations, the ministry shall study specific measures to make the registration of Registered Foreign Certification Organizations easy, such as by allowing the use of English in some parts of the documents that are necessary to file applications for registration.	The ministry is now considering which documents can be submitted in English among the required attachments, taking into account that the responsibility for translation will be borne not by applicants but by the ministry.		
	MAFF +	The ministry shall study revising the JAS Law, including abolishing the requirement of “countries with an equivalent system to the JAS System” and using organizations registered with an internationally accepted organization (for example, IOAS) in such case, and shall take necessary measures.	(Reference) Designation conditions of “countries with an equivalent systems to the JAS System”: 15 EU countries, Australia (March 2001), and the United States (March 2002).		
Allowing food testing to be conducted by private sector organizations (60101)	MHLW +	The ministry shall clarify the specific contents of necessary measures to designate private sector testing organizations as designated organizations under the Food Sanitation Law, and aim to submit a bill to amend the law to the current Diet session (154th) wherever possible, or to the next Diet session at the latest.	In principle, the ministry plans to take measures in the radical amendments to the Food Sanitation Law scheduled in 2003.		b

2. Related to pharmaceuticals, medical devices and cosmetics

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions	
Relaxing regulation on (60201) dietary supplements	MHLW +	The ministry shall decide on the desirable category of dietary supplements and reach a conclusion on the revisions of the standards for the scope of pharmaceuticals, so that products usually distributed and sold as dietary supplements in other countries may be handled as food in Japan without being regulated as pharmaceuticals.	In terms of the category of dietary supplements, the ministry established a system for food with health claims, and put it into force in April 2001. For the revisions of the standards for the scope of pharmaceuticals, the ministry revised the “Standards concerning the Scope of Pharmaceutical Products” by the notice dated March 27, 2001 and clarified the standards for classification of pharmaceuticals and food.	a
	MHLW +	The ministry shall study the desirable regulations of food additives as they concern dietary supplements, and reach a conclusion by the end of FY 2000.	In addition to guidelines for ordinary food, the ministry formulated guidelines for designation and revision of the use standards for substances constituting food with health claims in a non-standard food form, such as capsule and pill.	b
	MHLW +	The ministry shall report to the Market Access Ombudsman Council on the desirable category of dietary supplements at an early date during FY 2000.	The ministry reported on the desirable category of dietary supplements to the 27th Market Access Ombudsman Council held on December 7, 2000.	a
Simplification of approval (50201) procedures for foreign manufacture of medical devices	MHLW +	Regarding the qualification requirements for in-country caretakers needed for filing applications for approval of foreign products, the ministry shall study ways to make them appropriate to the actual duties required and rank the requirements in accordance with the degree of risk of the medical device in question, and shall reach a conclusion by the end of FY 1998.	In terms of in-country caretakers, the ministry expanded the scope of medical devices that do not require in-country caretakers through expansion of the scope of medical devices that do not require approval along with a review of the classification of medical devices.	b

	MHLW +	By the end of March 1998, the ministry shall make public the results of a study on expanding medical devices for household use that do not require approval. The ministry shall also expand medical devices that do not require approval in terms of medical devices with low risk to the human body (other than those for household use).	In terms of electric massagers for household use, magnetic therapy equipment and other medical devices with low risk, the ministry tried to expand the range of medical devices that do not require approval by the “Ministerial Ordinance to Amend Part of the Enforcement Regulations of the Pharmaceutical Affairs Law” (proclaimed in March 1998).		a
	MHLW +	The ministry shall take active measures to promote consultations on mutual recognition for medical devices with other countries.	In signing a mutual recognition agreement with the European Community in May 2001, the ministry expressed its intention to start negotiations on medical devices within two years of the date when the agreement comes into effect.		b

3. Related to manufacturing

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions		
Setting recycling fees based (70301) on the Home Appliance Recycling Law	METI +	The ministry shall ensure the transparency of recycling fees by publicizing information on reasonable fees. The ministry shall also see to it that recycling fees reflect the changes in recycling costs in the future caused by the diversification of products and corporate efforts.	In material for the Waste and Recycling Subcommittee of the Industrial Structure Council on November 14, 2001, the ministry provided information on comparison between costs for disposing of four items of electric home appliances in Tokyo and Yokohama and recycling fees set by major electric home appliance manufacturers. This material is available on the Web site of the Ministry of Economy, Trade and Industry. The ministry has been providing this material since April 2002 to address any inquiries about recycling fees.		

	FTC +	The commission shall keep a close watch so that competition in the product market and the recycling market shall not be restricted due to a joint determination of the specific amount of recycling fees by recycling companies or unreasonable restrictions on the establishment of a new recycling system.	The ministry has been continuing to keep a close watch so that competition in the product market and the recycling market will not be restricted due to a joint determination of the specific amount of recycling fees by recycling companies or unreasonable restrictions on the establishment of a new recycling system.		a
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4. Related to transportation and traffic

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions		
Review of the standard (70401) concerning domestic transport volume of poisonous and deleterious substance by tank container	MHLW +	The ministry shall promptly complete investigations with regard to standards for transportation of poisonous or deleterious substances by tank container, review the standards in order to conform them to international standards, and revise the Cabinet Ordinance early in FY 2002.	The ministry has been proceeding with a study to conform the standards for transport containers for poisonous or deleterious substances to international standards, and plans to take measures by the end of FY 2002.		b
Introducing the market (60401) principle to port business	MLIT +	In order to raise the efficiency of the port business and promptly enhance the quality of services through a competition mechanism, deregulation measures shall be taken at the earliest possible stage in 2000 at the nine major ports that handle container cargoes, i.e., to change from the licensing system to the approval system for port transportation businesses (the regulation of supply and demand to be abolished) and from the approval system to the notification system for charges. In order to ensure the effectiveness of the deregulation measures, efforts shall be made in	The partial amendment of the Law of Port Transportation Business with the aim of revitalizing Japanese ports and enhancing the efficiency of port cargo handling services, i.e., changing the licensing system to an approval system for port transportation businesses (abolition of the regulation of supply and demand) and changing the approval system to the notification system for charges at the nine major ports, was enforced in November 2000.		b

		such a way that no barriers exist for new entrants.		
Restrictions on tandem riding (60402) of motorcycles on national expressways	NPA +	In order to establish motorcycle safety, the agency shall promote public relations and education activities, improve driver education, and strengthen a crackdown against dangerous driving.	The ministry has been carrying out the promotion of public relations and education activities, including campaigns to improve driver etiquette, the improvement of motorcycle education, and an intensified crackdown on motorcycle gangs who drive dangerously.	b
	Cabinet Office +	Surveys shall be conducted on usage styles, the licensing system, etc. in regard to motorcycles to compile findings by the end of FY 2000.	The survey results were publicized in January 2001 on the OTO Website.	a
Review of standards, etc. for (60403) the certificate of custody space for motor homes (large campers)	NPA +	The agency shall study whether a place under a certain storage management can be approved as the main place of use and whether it is possible to obtain a certificate of custody space for such place. If there are no problems, the agency shall take necessary measures by the end of 2002.	The ministry issued the Notice of Manager of City Traffic Measure Division titled "Special Measures for the Main Place of use for Camping Trailers" on December 15, 2000.	a
Changes to the vehicle (60404) inspection system for towing vehicles and for towed vehicles	MLIT +	In order to make it possible to tow a camping trailer by a vehicle other than one registered beforehand, the ministry shall start studying ways to simplify procedures for camping trailer registration, including the possibility of introducing the European and US system in which the car manufacturer indicates on each car the maximum weight that can be towed by the car, and shall reach a conclusion by the end of 2000 at the latest.	The Ministry of Land, Infrastructure and Transport set up an investigative panel consisting of experts, and the result of the study was summarized in December 2000. In response to this, the ministry is now continuing a specific study to enable users to enter the maximum towing weight in the remarks column of the vehicle inspection certificate and use the vehicle to tow a trailer so long as that weight is no more than the indicated weight if users have filed an application for revising the entered items.	b
Establishing categories of (60405) towing licenses	NPA +	The agency shall study whether it is necessary to establish categories of towing licenses and draw a conclusion by the end of 2000. Specifically, the agency shall promptly carry out an analysis of the accident rates between small trailers weighing 2	The agency put into force the partial amendment to the Enforcement Regulations of the Road Traffic Law on June 1, 2002. The amendment established a new type of towing license, which is limited to small trailers of	a

		tons or less and other towed vehicles as well as a study on differences in driving skills.	which gross vehicle weight is more than 750 kg but less than 2 tons.		
Report of Study Committee (60406) Concerning Regulations on Trailer Homes	Cabinet Office +	The Cabinet Office shall thoroughly inform all parties concerned of the Report of the “Study Committee Concerning Regulations on Trailer Homes” by sending it to the organizations concerned, etc. as needed. The study committee shall report to MAOC on matters studied as needed in the future.	In order to inform of the report, the Cabinet Office sent it to the press, trailer home importers, and those related to the chamber of commerce and industry, etc., and also placed it on the OTO Web site. The Cabinet Office also deals with inquiries from individual companies and individual persons in cooperation with other responsible ministries and agencies.		b

5. Related to construction

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions		
Deregulation of construction (50501) licenses	MLIT +	The ministry shall enhance activities to publicize the workings of the construction license system by producing a pamphlet in English and other means by the end of 1998.	The ministry produced English explanatory material on the construction license system and has been distributing it to foreign companies, etc. that make inquiries, as well as placed it on its Website.		a

	MLIT +	The ministry shall undertake a comprehensive study on the review of business classification for construction licenses and draw a conclusion at an early date. The ministry shall also study the disclosure of information on construction companies.	With regard to the qualification requirements (years of working experience) of full-time engineers for a construction license as provided in Article 7 (2) of the Construction Industry Law (Ministry of Land, Infrastructure and Transport Notification No. 964 on March 30, 1999), the ministry took a measure to recognize work experience in businesses for which a license is not sought as work experience in a business for which a license is sought, provided they have much in common.		a
	MLIT +	The ministry shall study the further simplification of procedures for obtaining and renewing construction licenses.	The ministry will start accepting on-line applications for construction licenses for the Minister of Land, Infrastructure and Transport (scheduled to start by April 2004).		b

6. Related to information and communications

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions	
Improvement of policy on (50601) registration of Internet domain names by JPNIC	MPHPT +	The ministry shall examine the methods of managing domain names from the standpoint of promoting market access and investment in Japan, taking international trends into consideration, and shall draw a conclusion by the end of 1998. The ministry shall then urge the Japan Network Information Center (JPNIC) to improve the operating policy on domain names, if necessary.	(Problem-raising) Multiple domain names should be allocated to one company. (Response) One company can register multiple domain names in terms of the general-purpose JP domain name of which applications for registration are to be accepted from February 2001. However, it is not possible for attribute/regional-type JP domain names. (Problem-raising) JP domain names should be	b

			<p>given to foreign companies that have not been registered in Japan.</p> <p>(Response) Foreign companies can register general-purpose JP domain names if they have a Japanese office or any other place to receive notices in Japan. However, they cannot register attribute/regional-type JP domain names.</p> <p>(Problem-raising) JPNIC registration fees should be reduced through an introduction of the principle of market mechanism, and application procedures should be simplified through an introduction of an on-line application system.</p> <p>(Response) The operations of registering/managing domain names were transferred to the JPRS (Japan Registry Service Co., Ltd.). Regarding registration fees, fee for filing an application with the JPRS was reduced to ¥14,000 (annual maintenance fee: ¥7,000).</p>		
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7. Related to import procedures

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions	
Review of the rate structure (71701) of Air-NACCS	MOF +	The ministry shall further promote information disclosure and improve the transparency of user fees. In addition, regarding thorough implementation of competitive bidding and the outsourcing of some operations, the ministry shall make specific measures to be promptly taken from FY 2002, thereby further reducing user fees.	The ministry invited public comments and has been making efforts to improve transparency, such as providing information on the basis of and on the ground for computation. The ministry plans to work on the further disclosure of information. The ministry continues to outsource computer operations, and has been making efforts to raise efficiency, such as by holding a competitive bidding for Net-NACCS in August of this year.	b
	MOF +	In order to conduct reviews based on a neutral viewpoint and from various aspects, the ministry shall take steps to establish a new way of reviewing the fee structure, including the prompt establishment of an appropriate group that includes experts. With regard to the Air-NACCS, the ministry shall revise the fee structure by September 2004.	The ministry has been preparing for the establishment of the group including experts within 2003. In order to promote this, the ministry established the Study Group of Charges within the NACCS Center on September 10, 2002.	b
Improvement of customs (60701) inspection system for containerized cargo	MOF +	The ministry shall immediately introduce a large X-ray inspection equipment that enables examination of cargoes in containers loaded on transport trucks.	The ministry introduced the equipment at Yokohama Port in February 2001, Kobe Port and Osaka Port in March 2002. The introduction of the equipment is scheduled to take place at Tokyo Port, Nagoya Port and Hakata Port by the end of fiscal 2002.	a

	MOF +	The ministry shall endeavor to inform the parties concerned of the preliminary examination system and simplified declaration system, which contribute to shortening the time for customs clearance, and encourage the use of these systems.	The utilization rate of the preliminary examination system rose from 11.0% in 1996 to 37.0% in 2001. The time required from arrival in port to the obtainment of an import permit was shortened by less than half. The number of import declarations by using the simplified declaration system exceeded 3,000 nationwide in April 2002.		b
Improvement of customs (60702) clearance procedures such as NACCS using the Internet	MOF +	In conjunction with the revision of the Air-NACCS in autumn 2001, the ministry shall make efforts to allow use of the system via the Internet. The ministry shall work on the Sea-NACCS as soon as possible without waiting for the next revision scheduled in 2007.	The ministry has been proceeding with development to realize the Internet connection by the end of FY 2002.		b
	MOF +	The minister shall consider prior notification by e-mail in the direction of giving it the same authority as written notification, and shall draw a conclusion by the end of 2000.	In FY 2000, the ministry decided to give prior notification the same authority as written notification on the assumption that the basis for government's certification has been developed, and plans to start operations by the end of FY 2003 after the development of the basis.		b
	MOF +	Regarding the search system for classification information, the ministry shall complete a study for establishing a system by the end of 2000 in order to make it possible to inspect and search information via the Internet.	Since spring 2002, it has been possible to inspect and search replies to inquiries for prior notification, which inquirers made public, via the Internet.		a
Improvement of tax payment (50701) method for postal matter from abroad	MOF MPHPT +	In addition to paying in cash, the ministry shall draw a conclusion from a study on the propriety of the tax payment method using a combination of revenue stamps and prefectural revenue stamps by the end of FY 1998.	As a result of the study, the ministry concluded that the current cash payment method is rational and convenient.		b
Improvement of (50702) post-clearance audit methods	MOF +	The ministry shall draw a conclusion from a study on the desirable post-clearance audit, including the use of information stored as	For information stored as electronic data, the ministry has been trying to reduce the burden by using the data through search and		a

		electronic data and the strengthening of public relations concerning audit, by the end of 1998.	confirmation, as well as by implementing audit at the office where relevant documents are stored. The ministry publishes the record of audit, etc. through press releases and on the customhouses' Web sites.		
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8. Other

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access /corresponding policy	Actual conditions		
Review of landing (60801) examination standards	MOJ +	Under the standards for "Investor/Business Manager" status of residence, even without employing two locally based people, those who make an investment "in such scale" as employing two locally based people are allowed to land under "Investor/Business Manager" status of residence. In order to clarify the scale, the ministry is to prepare rational examination guidelines for cases without employing two employees by the end of 2000.	In December 2000, the guidelines for cases without employing two full-time employees were set as "the amount invested in starting new business is ¥5 million or more a year." The guidelines have been in operation.		a
Reviewing standards for (60802) installing equipment using fire under the Fire Service Law	MPHPT +	(1) For fire equipment that uses large amounts of energy and can be typified by safe distance, etc., the ministry shall draw up guidelines by the end of FY 2000 and inform fire service authorities of these guidelines. (2) The ministry shall immediately inform all fire service authorities, by notice or other appropriate means, that each fire service authority needs to confirm safety in terms of fire prevention of equipment other than those that are labeled as having passed inspection and having been certified by the Japan Gas Appliances Inspection	The ministry has taken measures for (1) and (2). The ministry drew up the Guidelines for the Installation of Fire Equipment, etc. (March 2001) and amended relevant laws. (Law to Amend Article 9 of the Fire Services Law and Part of the Fire Services Law (Law No. 98 of 2001), Cabinet Order to Amend Part of the Enforcement Order for the Fire Service Law (Cabinet Order No. 385 of 2001), etc.)		a

		Association or other organization.		
Clarification of tariff review mechanisms (50801)	MOFA MOF MAFF METI +	The ministries shall promptly put into writing procedures for the review of customs tariffs and make them public. At the same time, the ministries shall prepare and publish English translations. In addition, the ministries shall try to make the operations of the Customs Tariff Council more transparent.	The “flow of tariff review” and its English translation were placed on the Web site. The ministries have been making efforts to make the flow more transparent by placing the reports and summarized minutes of the Customs Tariff Council (now, the Council on Customs, Tariff, Foreign Exchange and Other Transactions) on the Web site. Minutes are available from the General Meeting in September 1999.	a
Abolishment of the system of the certificate of exemption from withholding tax for foreign banks (50802)	MOF +	The ministry shall use Tax-Answer and the Internet to enhance publicity for the system of exemption from withholding tax for foreign banks and the names, etc. of foreign banks that have received the certificate.	The ministry prepares a pamphlet every year and places it on its Web site.	a
	MOF +	In order to thoroughly achieve the purpose of change from the method of submitting the certificate of exemption from withholding tax to the method of presenting it, the ministry shall study specific measures, including the number and the validity periods of certificates issued. The ministry shall draw a conclusion by the end of 1998 and take necessary measures.	For the number of certificates issued, the system of writing the number of certificates wanted was adopted. As for the validity period, the ministry took a measure to extend the period to five years if a tax return for corporate tax has been submitted by the due date for the past five consecutive years at the time of renewal.	a
Improvement of standards for the calculation of inhabitant tax imposed on the branches in Japan of foreign companies (50803)	MPHPT +	Regarding local tax on corporations, the ministry shall conduct a broad study on the per capita rate for the local inhabitant tax on corporation, etc. based on considerations by the Research Commission on the Tax System, etc. and from the viewpoints of fairness, impartiality and simplicity, taking into consideration the creation of an environment facilitating the business activities of domestic foreign companies.	The Research Commission on the Tax System, etc. have been continuing a broad study on matters related to local tax on corporations.	

(1) Problem Raising Process

(Other complaints handled in a lump)

1. Related to animals, plants and foods

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Concerning fumigation at the time of import of scoured animal hair for use in spinning (71101)	MAFF +	The ministry shall not require the disinfection of rabbit hair in the future, if it is confirmed from an export inspection certificate, etc. that the processing treatment in question has been conducted.	On August 13, 2002, the Animal Quarantine Service notified the Nagoya Chamber of Commerce and Industry that “disinfection at the time of import is not required if it is confirmed from a certificate, etc. issued by the government organization of the exporting country that the processing treatment in question has been conducted.”		a
Reviewing ordered inspection of residual agricultural chemicals (71102)	MHLW +	With regard to Chinese green asparagus (excluding those processed), it has been three years as of FY 2001 since the inspection order was implemented. There were no cases of violation during the three years. Therefore, the ministry shall look into deleting the good from ordered inspection items when it reviews the subjects of the inspection order at the end of FY 2001.	The ministry has lifted the inspection order for Chinese-grown green asparagus (excluding those processed) on April 1, 2002.		a
Reviewing ordered inspection of imported grilled eels (71103)	MHLW	The ministry, in principle, cannot remove Chinese frozen eel grilled with or without sauce from the list of ordered inspection items, as cases of violation of the Food Sanitation Law are reported every year.	Since the violations of the Food Sanitation Law have been continuously recognized for Chinese cultivated eel and its processed products, the ministry cannot remove them from the list of ordered inspection items at the present moment.		

Ensuring uniform measure of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Health, Labour and Welfare on livestock import restriction (71104)	MAFF +	Measures taken by the Ministry of Agriculture, Forestry and Fisheries against the frequent cases of BSE in EU countries were those taken from the standpoint of domestic animal quarantine on the basis the Domestic Animal Infectious Diseases Control Law, and they do not necessarily conform with the measures taken by the Ministry of Health, Labour and Welfare from the standpoint of preventing harm to public health on the basis of the Food Sanitation Law. However, the ministry intends to further increase cooperation and coordination with the Ministry of Health, Labour and Welfare in order to minimize confusion among importers, etc.	In order to minimize confusion among importers, etc., the ministry intends to increase communications and cooperation with the Ministry of Health, Labour and Welfare.		b
	MHLW +	Measures taken by the Ministry of Health, Labour and Welfare from the standpoint of preventing harm to public health on the basis of the Food Sanitation Law do not necessarily completely conform with the measures taken by the Ministry of Agriculture, Forestry and Fisheries from the standpoint of domestic animal quarantine on the basis of the Domestic Animal Infectious Diseases Control Law. However, the ministry intends to further increase cooperation and coordination with other ministries and agencies concerned.	When taking measures to prevent the import of beef, etc. from countries where BSE has newly broken out on the basis of the Food Sanitation Law, the ministry responds in cooperation with the Ministry of Agriculture, Forestry and Fisheries, which has jurisdiction over the Domestic Animal Infectious Diseases Control Law.		b
Improving tie-in system for starch (71105)	MAFF	It is not appropriate to include imported corn for feed or industrial use (corn grits, corn flour, etc.) in the tie-in system because they are not used for starch.	As stated in corresponding policy.		
Clarifying the inspection standards for overseas production facilities for designated quarantine goods (grain straw and forage) based on the Domestic (71106)	MAFF+	The Domestic Animal Infectious Diseases Control Law was revised due to the outbreak of foot-and-mouth disease, and it has become necessary for local production facilities to pass Japanese inspection. Several companies were disqualified in inspections in February 2001, etc.	The ministry dispatched experts in livestock hygiene for on-site inspection in February 2002. However, since living moth worms were found at the time of the import inspection of Chinese rice straws in April 2002, import thereof has been suspended. The		b

Animal Infectious Diseases Control Law		As for reinspection, the Chinese government submitted documents concerning improvement conditions for facilities at the end of August, and the ministry is now preparing a response to the Chinese government. The ministry is also preparing an itinerary for on-site inspection, and intends to promptly dispatch experts in livestock hygiene for the on-site inspection study.	ministry plans to dispatch experts in livestock hygiene again to conduct on-site inspection for restarting import.		
Japan's policy of listing (71107) non-quarantine pests	MAFF	Regarding New Zealand's complaint that Japan should prepare a "list of quarantine pests," each country, based on its situation, should adopt the most effective measure to prevent the entry of quarantine pests. It is not appropriate to argue the issue by taking up the difference in listing methods alone. Incidentally, international standards do not prescribe the listing method, and New Zealand is not correct in its claim that Japan's method of making a "list of quarantine pests" runs counter to internationally prescribed methods.	Experts in Japan and New Zealand have been holding consultations in terms of preparing the "list of quarantine pests" as follows. Japan-New Zealand Plant Quarantine Expert Meeting in May 2000 (Tokyo), Japan-New Zealand Plant Quarantine Expert Consultation in March 2001 (Tokyo), Japan-New Zealand Plant Quarantine Expert Consultation in January 2002 (Tokyo), and Japan-New Zealand Informal Plant Quarantine Expert Consultation in March 2002 (Rome).		
Flexible application of food (61101) labeling regulations	MAFF +	The ministry shall expand the coverage of the labeling of country of origin to all perishable food products (agricultural, livestock and marine food products) and make it compulsory to label the country of origin not only for imported products but for also domestic products. This contributes to consumers' choice of products. On the establishment of quality labeling standards for all perishable food products, which make it mandatory to label the country of origin for all perishable food products, the ministry shall maintain transparency through the necessary procedures, such as collecting public comments and notifying the WTO, in preparation for the notification of the standards in April 2000.	Regarding the quality labeling for perishable food products, which define the matters that should be labeled and those that should not be labeled for all perishable food products, the ministry made notification of it on March 31, 2000 after conducting necessary procedures, such as collecting public comments and notifying the WTO. The ministry applies it to perishable food products, which have been sold to general consumers in Japan, from July 1, 2000 onward.		a

Relaxing plant quarantine (61102) standards (kiwi fruits)	MAFF	<p>Pests subject to fumigation concerning New Zealand kiwi fruit are not those that are ordinarily generated during storage as stated in the claim but those that may have important effects on agricultural production in Japan. Fumigation is based on scientific evidence and consistent with international standards.</p> <p>It is also inappropriate to discuss the issue based only on how to make the list without taking into consideration the fundamental differences in both countries' systems.</p>	<p>Experts in Japan and New Zealand have been holding consultations in terms of preparing the "list of quarantine pests" as follows.</p> <p>Japan-New Zealand Plant Quarantine Expert Meeting in May 2000 (Tokyo), Japan-New Zealand Plant Quarantine Expert Consultation in March 2001 (Tokyo), Japan-New Zealand Plant Quarantine Expert Consultation in January 2002 (Tokyo), and Japan-New Zealand Informal Plant Quarantine Expert Consultation in March 2002 (Rome).</p>		
Relaxing plant quarantine (61103) standards (apples)	MAFF	<p>It is difficult to abolish the current quarantine measure concerning raw apples that may be infested by fire blight. However, New Zealand proposed a measure as an alternative to the current quarantine measure, and it is possible to change the quarantine measure in line with New Zealand's intent if the measure in question is confirmed as one which is scientifically and technically appropriate. It is important to further discuss this issue between New Zealand and Japan plant quarantine authorities from the scientific and technical viewpoints.</p>	<p>Regarding Japan's plant quarantine measure concerning fire-blight inspection on U.S.-grown apples, the WTO Panel was established at the request of the United States. The first panel meeting is scheduled to be held in late October 2002. New Zealand participates in the panel as a third country.</p>		
Permitting use of imazalil (61104)	MHLW	<p>Since Japanese people consume a larger quantity of mandarin oranges compared to those in other countries, the use of imazalil is permitted for citrus fruits other than mandarin oranges.</p>	<p>The ministry considers it difficult to revise usage standards for imazalil at this point.</p>		

Improving the import system (61105) for dairy products	MAFF	<p>(1) The ministry provides the necessary information on setting tariff quotas on designated dairy products for specific use (such as standards for setting quotas) in tariff quota announcements, etc. In addition, the ministry gives explanations to New Zealand at semiannually held (now annually held) bilateral meetings to exchange information on dairy product supply and demand. Therefore, there is no problem in transparency.</p> <p>(2) Regarding measures for improving the quota usage rate, the ministry follows a basic policy of reducing quota volume in the following fiscal year for importers with a low useage rate, and increasing the quota for importers with a high usage rate or for newcomers.</p> <p>(3) Some tariff quotas remain unused due to a decrease in the amount demanded in Japan.</p>	At annual Japan-New Zealand meetings to exchange information on dairy product supply and demand, Japan has been continuing to explain this issue. As measures for improving the usage rate, the ministry is to introduce the redistribution of unused quotas from FY 2002. Based on these, the ministry will continue to ask for understanding through bilateral meetings.		
Improving import procedures (61106) for laver	MAFF METI +	<p>In the announcement on February 1, 2000, the Ministry of International Trade and Industry announced the following improvement measures:</p> <p>(1) the 1999 import quota of 69 million sheets is increased to 120 million sheets (a year on year increase of 74%), and within this quota, the total volume for the users quota was reduced from 67% to 63%, while a five-fold increase was made in the first-come, first-served quota; (2) the requirement that applicants for the first-come, first-served quota have done import business worth \$100,000 or more is eliminated; (3) the timing of the ministry's announcement is moved up from the end of February to the beginning of February.</p>	The import quota has been increased every year, and it was 180 million sheets (an increase of 30 million sheets from the previous year) in the announcement dated February 1, 2002. Regarding the import quota by quota system, 37.8 million sheets (21%) were allocated to the first-come, first-served quota, 30.2 million sheets (17%) to traders quota with an established record, and 112 million sheets (62%) to the users quota. The rate of users quota was further reduced.		a
Abolishing the advance (61107) import confirmation system for wakame seaweed	MAFF METI +	The Ministry of International Trade and Industry's notification was amended in January 2000 and the advance import confirmation system for wakame	The system was already abolished, and the restrictions have not been changed since then.		a

		seaweed was abolished.		
Reviewing plant quarantine (61108) standards	MAFF +	Regarding the five pests that South Korea requests to be placed on the list of non-quarantine pests, four of them, including trips palmi, are important pests whose presence is under surveillance in Japan. However, regarding acarus siro, the ministry intends to study whether it can be placed on the list of non-quarantine pests.	Regarding acarus siro, experts in Japan and Korea have been holding discussions through the following meetings: Japan-Korea bilateral working level meetings on plant quarantine in February 2000, April 2001 and April 2002.	b
Inspection of imported (61109) tableware	MHLW	Regarding the use of foreign test data, the exporting country public testing organization system has been used. From December 1994, apparatus, containers, packaging, and toys made from the same coloring agents and manufactured by the same method are exempted from testing at the time of import for an unlimited period, by attaching a copy of the initial test results.	For exemption from testing at the time of import for an unlimited period by attaching a copy of the initial test results on apparatus, containers, packaging and toys made from the same coloring agents and manufactured by the same method, the ministry intends to utilize the system for the purpose of simplifying and speeding up import procedures.	
Response of the quarantine (61110) station to minor errors	MHLW +	Regarding typing mistakes and other minor errors in the particulars on import declarations for food, etc., the chiefs of quarantine stations were notified that they should pass over such mistakes. The ministry intends to thoroughly inform the quarantine stations of that through notices and liaison meetings.	The ministry has tried to thoroughly inform quarantine stations of how to handle typing mistakes and other minor errors at the quarantine station block meetings in 1999.	a
Use of food additives (61111) permitted in other countries	MHLW	New food additives shall be designated according to the "Guidelines for designation of food additives and revision of use standards ." In accordance with the guidelines, requests for designation must be made in a specific manner by attaching safety data and other data.	New food additives shall be designated according to the "Guidelines for designation of food additives and revision of use standards ." In accordance with the guidelines, requests for designation must be made in a specific manner by attaching safety data and other data.	

Abolishing double-sampling (61112) inspections	MAFF	Inspection for the E. coli O157 was conducted by the Animal Quarantine Service, which conducts inspections at the border, on a temporary basis with the cooperation of importers in response to the occurrence of food poisoning. It is not conducted at present.	Since O157 became a social problem and the possibility that the microorganism in question is pathogenic to animals was not deniable, 200 samples were collected from the standpoint of animal quarantine in Tokyo and Osaka respectively during the period between August 19 to September 18, 1996 by limiting the period and the number of samples. The sampling is not conducted at present.		
	MHLW	Since April 1994, the ministry has been carrying out the simultaneous parallel processing of food sanitation inspections, animal quarantine and plant quarantine. If an importer requests simultaneous parallel processing and if departments in charge of the respective inspections determine after deliberations that the processing can be carried out, the ministry will take measure to carry out the inspections simultaneously.	Regarding simultaneous parallel processing that has been carried out since April 1994, the ministry tries to actively carry out the processing if, after deliberations based on importer's request, etc., the departments in charge of the relevant inspections have determined that it is possible to carry out.		
Expansion of countries to (61113) which animal quarantine inspection certificates may be transmitted electronically	MAFF	At the request of Australia, Japan and Australia have been carrying out the electronic transmission of matters certified by the inspection under the Domestic Animal Infectious Diseases Control Law since March 1998. In order to expand the use of the system, the system was introduced to other countries at meetings of the "Asia Pacific Economic Cooperation," etc. The ministry intends to expand countries to which inspection certificates can be electronically transmitted, at the request of other countries.	At the moment, the ministry has not received any specific requests for the electronic transfer of inspection certificates from countries other than Australia, but intends to expand countries to which inspection certificates can be electronically transmitted, at the request of other countries.		

Lifting the import ban on (51101) Belgium-grown green peppers and tomatoes	MAFF +	In May 1997, Japan requested that Belgium submit materials indicating the absence of a Mediterranean fruit fly outbreak and sent a reply that Belgium's proposed quarantine measures concerning tobacco blue mold were not acceptable since they did not adequately prevent tobacco blue mold from spreading into Japan. In response to this, Belgium submitted additional materials in December 1997. The ministry is now reviewing them and is scheduled to reply within March 1998.	Japan and Belgium have exchanged opinions about lifting the import ban on Belgium-grown green peppers and tomatoes as follows: (Recent responses) August 2002: Listening to the opinions of Japanese experts about tests conducted by Belgium. September 2002: Presenting to Belgium proposed quarantine measures (notifications and proposed bylaws) that are required to lift the import ban.		b
Simplifying processed food (51102) import inspection	MHLW +	The Korea Institute of Food Hygiene was registered as a designated testing organization based on the exporting country public testing organization system in 1995, and its inspection results have been accepted by Japan.	As of September 13, 2002, 39 organizations, including the Korea Institute of Food Hygiene (now, Korea Health Industry Development Institute), were registered as exporting country public testing organizations, and Japan has been accepting their test results.		a
Improving import procedures (51103) for laver	MAFF METI +	The issue was addressed and discussed in depth in the latest Japan-South Korea consultation on the trade of fishery products held on January 15 and 16, 1998 and both sides shared the view that further discussion would be continued in the consultations.	The requirement that the original and copies of contracts for buying and selling imported laver be submitted to the responsible ministries was eliminated, and the system of import solely through the Japan Laver Importers Association was abolished in February 1999.		a
Abolishing the advance (51104) import confirmation system for wakame seaweed	MAFF METI +	The issue was addressed and discussed in depth in the latest Japan-South Korea consultation on the trade of fishery products held on January 15 and 16, 1998 and both sides shared the view that further discussion would be continued in the consultations.	The advance import confirmation system was abolished for the import of wakame seaweed in January 2000.		a

Review of domestic standards (51105) on food additives	MHLW	The procedures for amending the use standards of such food additives as nitrous acid and benzoic acid shall be based on the Guidelines for designation of food additives and revision of use standards. If a specific request is made based on these guidelines and with safety data, etc., the procedures shall be amended after the deliberations at the Food Safety Council.	Regarding amendments to the use standards of food additives, if anyone who wants amendments makes a request to the Minister of Health, Labour and Welfare according to the “Guidelines for designation of food additives and revision of use standards ,” the ministry will take appropriate actions. But no request has been made concerning this issue.		
Expanding acceptance of (51106) foreign test data related to alcoholic beverage ingredient analysis tables	MHLW	Manufacturer’s inspection rooms, etc. may be considered to be exporting country public testing organizations if they have above-standard inspection capabilities and have been authorized and designated by the exporting country’s government. However, it is difficult to accept the results of inspections conducted by manufacturer’s inspection rooms, etc. that have not been authorized and designated by the government of the exporting country and to omit the inspection at the time of import.	Regarding the manufacturer’s inspection rooms, etc. that have above-standard inspection capabilities, if they actively applied for designation with the government of the exporting country and were designated, the ministry would register them as exporting country public testing organizations upon receipt of the application from the exporting country’s government.		

2. Related to pharmaceuticals, medical devices and cosmetics

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Reviewing regulations (71201) concerning labeling of cosmetics	MHLW	Article 61 of the Pharmaceutical Affairs Law prescribes that certain matters shall be labeled on the “immediate container or package” of each product. In order to ensure the security of consumers, the ministry cannot recognize the outer cellophane as the immediate package even if it specifically says that the cosmetics shall not be sold piece by piece.	As stated in corresponding policy.		

Easing regulations on (71202) displaying ingredients of cosmetics	MHLW	The ministry has approved the use of formalin-type preservatives as an ingredient of cosmetics on the condition that the instruction, "This drug is not recommended for persons sensitive to formaldehyde and infants," is labeled on the product. If new scientific knowledge becomes available, the ministry will conduct a careful study on the issue in consultation with the Pharmaceutical Affairs and Food Sanitation Council.	If new scientific knowledge becomes available, the ministry will carefully study whether to revise the labeling regulation in question, in consultation with the Pharmaceutical Affairs and Food Sanitation Council.		
Promoting mutual recognition (61201) when medical devices are imported	MHLW	It is not possible to simplify recognition procedures for medical devices approved in other countries in order to ensure the quality, efficacy and safety of medical devices. However, the ministry accepts foreign test data on certain conditions. The ministry also intends to actively respond to other countries' requests for meetings to discuss mutual recognition.	The ministry will respond to other countries' specific requests for meetings to discuss mutual recognition if any.		
Changing labeling methods (61202) for cosmetics and clarifying the implementation schedule for changing the regulation system applied to cosmetics	MHLW +	It is not possible to sell cosmetics without showing the name of the licensed manufacturers (importers) on the immediate containers, from the viewpoint of health and sanitation. On the other hand, the ministry is studying the requirements for test facilities and responsible engineers, and the scope of consignment manufacturing between licensed manufacturers, as well as the comprehensive review of regulations on cosmetics.	The ministry gave approval for responsible engineers to take charge of two or more in-company facilities under certain conditions (March 2001). It will also become possible to consign the overall manufacturing acts through the revision of the Pharmaceutical Affairs Law at this time (scheduled to be enforced in FY 2005).		b

	MHLW +	The regulation system for cosmetics is scheduled to be revised by the end of FY 2000.	Regarding cosmetics, the ministry in principle abolished the approval system in April 2001, and made it possible to freely manufacture and import them by reporting the name of sellers based on the regulations on the ingredients by the positive-list and negative-list methods. From the viewpoint of providing information to consumers, the ministry also transferred the system to one that obliges indication of all ingredients.		a
Promptly deregulating dietary (51201) supplements	MHLW +	Concerning the deregulation of form, the ministry has deregulated the form of vitamin dosage, and shall also study the issue in relation to minerals and herbs while giving consideration to clear, appropriate labeling for food that will allow consumers to make correct selections without confusion.	Regarding the form of dietary supplements, the ministry shall not, in principle, determine whether dietary supplements fall under pharmaceuticals based only on the form, if they are clearly indicated as food (April 2000).		a
	MHLW +	The ministry shall examine restrictions on labeling while giving consideration to labeling that enables consumers to accurately select what they need in terms of appropriate ingestion methods and the effect as dietary supplement, as well as caution labels, etc. In terms of measures to classify dietary supplements into a new category, the relevant departments in the ministries are examining when to take them, and shall report the examination results as needed, while keeping an eye on international trends.	For the category of dietary supplements, the ministry established the “Study Group on Handling of So-called Dietary Supplements” in December 1998, and the final report was compiled in March 2000. Based on such study, the ministry established the food with health claims system and put it into force in April 2001.		b

	MHLW +	Concerning the handling of dietary supplements normally handled as food overseas, the ministry implemented deregulation of vitamins in March 1997. As for herbs, the ministry established the investigative committee in April 1997 and took measures in the same fiscal year. For minerals, the ministry established the investigative committee in June 1997 and plans to take measures by the end of FY 1998.	As for reviewing the standards for the scope of pharmaceuticals, the ministry revised the “Standards concerning the Scope of Pharmaceuticals” by the Pharmaceutical and Food Safety Bureau Notice No.243 on March 27, 2001 (by the Director General, Pharmaceutical and Food Safety Bureau, Ministry of Health, Labour and Welfare), and clarified the standards for classifying pharmaceuticals and foods.		b
Ensuring fair enforcement of the Pharmaceutical Affairs Law (51202)	MHLW +	The Minister of Health, Labour and Welfare (or the prefectural governors) strictly handles any acts that violate the Pharmaceutical Affairs Law. The ministry intends to conduct investigations to determine if the indicated dealers actually violate the law, and to handle the matter accordingly.	The ministry has been taking necessary measures concerning dealers that were recognized as having violated the law while conducting investigations on the actual conditions of the violations.		a
Giving the regulations on the ingredients used in cosmetics in Japan the same form as those of the EU (51203)	MHLW +	Concerning cosmetic regulations, the ministry established an investigative committee on appropriate cosmetic regulations in December 1996. The committee indicated its policy of adopting the same method as Europe and the United States in the interim report. The committee is now considering specific issues in doing so. The final report is expected to be made public in May 1998.	The final report of the investigative committee was made public in July 1998. Based on the report, the ministry abolished the approval system in principle, and made it possible to freely manufacture and import cosmetics by reporting the name of sellers based on the regulations on the ingredients by the positive-list and negative-list methods. The ministry also transferred the system to one that obliges indication of all ingredients (April 2001).		a

3. Related to manufacturing

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Easing inspection record (71301) keeping requirements established in line with the revision of the Electrical Appliance and Material Safety Law	METI	When the inspection records are preserved in an electromagnetic method, it would suffice if the records were ensured to be displayed immediately by using a computer owned by the importer.	As stated in corresponding policy.		
Easing regulations on (71302) formaldehyde contained in infants' underwear	MHLW+	The ministry does not think the Japanese standard for the content of formaldehyde with respect to textile products for infants is particularly strict as compared with those in other countries. However, as to the testing method, the ministry is considering indicating the standard in ppm and revising the standard to make it possible to scientifically distinguish migration from resin-processed products and deal with them separately.	The ministry plans to introduce the indication of the standard in ppm by the end of FY 2003. The standard value, etc. are now under consideration.		b
Simplifying importer (61301) registration of poisonous and deleterious substances	MHLW	The ministry shall continue to require registration for each substance since it is necessary to determine the appropriateness of standards for stockpiling and storage for preventing health and sanitation risks and to know the names and addresses of manufacturers and importers of the relevant substances in advance in the case of accidents, etc.	As stated in corresponding policy.		

Simplifying examination (61302) procedures for chemicals	MHLW METI MOE+	In order to simplify procedures for the notification of new chemical substances based on the Law Concerning the Examination and Regulation of Manufacture, etc. of Chemical Substances and the notification of new chemical substances in small quantities, the ministries are currently developing an electronic-based notification system, and the acceptance of notifications by electronic media is scheduled to begin from FY2000.	The ministries simplified the procedures by accepting notifications through electronic media starting in FY 2002 for new chemical substances based on the Law Concerning the Examination and Regulation of Manufacture, etc. of Chemical Substances and from June 2001 for new chemical substances in small quantities.		a
Acceptance of foreign (61303) standards regarding electrical products	METI	If the usage temperatures for the UL-certified products exceed the maximum temperatures up to which no certification is necessary under the Electrical Appliance and Material Control Law, certification for use is required for each product in the same way as with UL certificates.	The Electrical Appliance and Material Safety Law, which is a revision of the Electrical Appliance and Material Control Law, has been in force since April 2001, and the law takes the same measures as those mentioned in the corresponding policy.		
Acceptance of foreign (61304) standards regarding gas appliances	METI	Gas appliance mainly for commercial use that uses a large amount of gas does not come under any public regulations in Japan. The Japan Gas Appliances Inspection Association's inspection system for commercial gas cooking appliances is a voluntary, private-sector certification system.	As stated in corresponding policy.		
International harmonization (51301) of standards for power generators for emergency use	METI	It is not accurate to say that the Ministry of International Trade and Industry enforces regulations since the ministry "necessitates the certification of engine models and classes, electric generator models, and control panel models."	As stated in corresponding policy.		

	METI	The certification system of the Japan Engine Generator Association is a voluntary, private-sector certification system based on the standards set by the association on its own. In order to eradicate misunderstandings, the association prepared pamphlets (Japanese version: May 1997, English version: June 1997) and clearly expressed that the said system was a voluntary, private-sector certification system.	As stated in corresponding policy.		
Relaxing inspections related (51302) to the import of LPG bulk container	METI +	For specified equipment (LPG bulk tanks and other equipment fixated on the ground) as well, the ministry created a system for registering the overseas manufacturers of specified equipment, and made it possible to conduct voluntary inspection. Concerning the inspection for registration under this system, the ministry intends to consider acceptance of the foreign data.	The High Pressure Gas Safety Law was revised so as to enable such organizations as private companies to conduct research on registration, and was proclaimed on August 6, 1999 (enforced on July 1, 2000). The ASME-certified materials have already been approved under the technical standards for specified equipment in the said law. The ministry established the performance provisions in the rules for inspection of specified equipment in FY 1999 in order to further facilitate the imports of such specified equipment as bulk tanks.		a
Simplifying procedures for (51303) importing high-pressure gas	METI +	The report on the import of high-pressure gas was abolished in March 1997 and there is no longer any need to report it. Based on the Japan Foreign Trade Council's complaint, the ministry shall make this fact common knowledge through the prefectural responsible officers conferences and the like.	As stated in corresponding policy.		a

	METI +	In order to expedite import procedures, the ministry shortened the period required for customs clearance by handling the copies of the application for the inspection of imported high-pressure gas stamped by the inspection personnel, etc. as certificates for passing inspection starting in April 1997. Moreover, the ministry shall consider measures to drastically reduce the time and labor involved in import inspections so as to draw a conclusion by the end of FY 1998. For complaints on delays in inspection, the ministry shall instruct inspecting bodies, i.e. prefectural governments, to prevent delays.	The ministry added the High Pressure Gas Safety Institute of Japan and designated import inspection organizations to organizations that can conduct the import inspection of high-pressure gas, in addition to prefectural governors (revision of the High Pressure Gas Safety Law, enforced on June 1, 2000). The ministry will continue to make known the acceleration of import inspection.		a
Relaxing standards for (51304) designating chief electrical engineers for shopping centers	METI +	In terms of expanding the ranges covered by the approval of no designation and the approval of one engineer serving at two or more places, the ranges were expanded up to 7,000 V of receiving voltage (entire range of high-pressure voltage received) for the approval of no designation and the maximum electric power of 2,000 KW for the approval of one engineer serving at two or more places in September 1997, on the basis of the Cabinet Decision in March 1996.	As stated in corresponding policy.		a

<p>Simplifying safety (51305) authorization for electrical appliances (amusement-related machinery for commercial use)</p>	<p>METI +</p>	<p>As the “electric rides” that are prescribed in the Electrical Appliance and Material Control Law are used by children, safety is particularly required, and they are thus handled as category A electrical appliances and materials (for which type approval is necessary). The ministry shall continue to consider revising the classification from category A electrical appliances and materials (those for which government approval is required) to category B electrical appliances and materials (those for which self-confirmation suffices), from the standpoint of deregulation.</p>	<p>On April 1, 2001, the Electrical Appliance and Material Control Law was renamed the “Electrical Appliance and Material Safety Law,” and the change of names and the review of designated items were conducted in terms of the classification of electrical appliances and materials. Since stationary electric rides are used by the vulnerable (children), safety is especially important, and they are thus designated as specific electrical appliances and materials.</p>		<p>b</p>
<p>Approving the import of (51306) chemical products approved by TSCA (*) and the like</p> <p>*US: Toxic Substances Control Act</p>	<p>MHLW</p>	<p>Even if the relevant chemical substances are registered on the TSCA inventory or EINECS (European Inventory of Existing Commercial Substances), it is not possible to approve the use of such substances without confirming safety based on preliminary examination, etc. under the Law Concerning the Examination and Regulation of Manufacture, etc. of Chemical Substances. Safety data obtained overseas have already been accepted.</p>	<p>As stated in corresponding policy.</p>		

	METI	Even if the relevant chemical substances are registered on the TSCA inventory or EINECS, their use cannot be approved if the safety required by Japan's Law Concerning the Examination and Regulation of Manufacture, etc. of Chemical Substances is not ensured. Concerning safety data obtained overseas, when the data were obtained at the testing facilities in conformance with the principles of good laboratory practice (GLP) of the OECD, they shall be accepted for inspections under the Law Concerning the Examination and Regulation of Manufacture, etc. of Chemical Substances. Therefore, safety data obtained overseas have already been accepted.	As stated in corresponding policy. Incidentally, no importers have submitted a notification of new chemical substances, which is the premise of starting the examinations on relevant substances.		
Deregulating import of (51307) electrical appliances meeting U.S. standards	METI	In Japan, the IEC (International Electrotechnical Commission) standards have been adopted as the technical standards for electrical appliances and materials since 1983, and it is aimed to further coordinate the Japanese standards with the IEC standards by the end of FY 1997. There will be no problem if the U.S. standards have been coordinated with the IEC standards. Appliances using light sources, such as desk lamps mentioned in this request, are classified as "category B electrical appliances and materials," so it is sufficient to submit a notification.	As stated in corresponding policy.		

Internationally standardizing (51308) the technical standards, etc. for electrical appliances and materials	METI +	Concerning further coordination of the technical standards for electrical appliances and materials with the IEC standards, the ministry shall try to further coordinate with the IEC standards by the end of FY 1997, as is clearly specified in the March 1997 revision of the "Program to Promote Deregulation."	The IEC standards and the ISO standards are currently introduced as standards based on the provisions of paragraph 2 of the Ministerial Ordinance concerning Technical Requirements for Electrical Appliances and Materials, and Japan's standards have already been coordinated with international standards. The ministry will try to revise the standards under paragraph 2 at an appropriate time in line with the revision of the IEC/ISO standards.		b
	METI +	Japan and the EU have been discussing mutual recognition. Japan shall continue deliberations with the EU to start mutual recognition in order of precedence in the possible fields and by the possible methods.	The Japan-EU Mutual Recognition Agreement was concluded in April 2001, and has come into force on January 1, 2002. The Japan-Singapore Mutual Recognition Agreement was also concluded on January 13, 2002.		a
	METI	There are no problems, in terms of safety, with the current 2-wire plugs, and making it compulsory to use 3-wire plugs will cause extremely large economic burden. Therefore, it is appropriate for the ministry not to employ measures to make it compulsory but to leave the free selection of these two types of plugs to the consumers.	As stated in corresponding policy.		

<p>Internationally harmonizing (51309) the dangerous goods class</p>	<p>MPHPT +</p>	<p>The reconsideration of the regulations on dangerous goods with a high flash point was incorporated in the Program to Promote Deregulation. In response to this, the Fire and Disaster Management Agency of the old Ministry of Home Affairs has been conducting investigations at the Dangerous Goods Committee since March 1997 in order to reach a conclusion in FY 1999.</p>	<p>The Dangerous Goods Committee investigated the desirable regulations on flammable liquid under the current Fire Services Law, and consequently made the following amendments: (1) excluding liquid with a high flash point from dangerous goods (enforced on June 1, 2002), and (2) changing the lower limit of the flash point of dangerous goods with a high flash point from 130 degrees to 100 degrees (enforced on June 1, 2002).</p>		<p>a</p>
<p>Relaxing the standards on (51310) designation of personnel responsible for handling freezers for building use</p>	<p>METI</p>	<p>In new freezers for buildings, chlorofluorocarbons 22 and 134a are used as substitutes for chlorofluorocarbon 11, the manufacture of which is prohibited. Therefore, the High-Pressure Gas Safety Law is applied to such freezers, and if the freezing capacity exceeds 50 tons per day, it is necessary to designate personnel responsible for freezing safety. However, the designation of freezing safety personnel is not necessary in the following cases: (1) when using freezers that the Minister of International Trade and Industry, etc., has recognized as having structural and functional safety due to various types of safety equipment, control equipment, and the like and (2) when using freezers with the freezing capacity of less than 300 tons per day, which were integrally assembled at freezer manufacturing factories and of which safety was guaranteed through airtight testing and trial operation.</p>	<p>As stated in corresponding policy. Regarding (2), the ministry also intends to consider the necessity of designating freezing safety personnel for freezers with the freezing capacity of 300 tons or more per day, if their safety is confirmed.</p>		

Expanding the use of clothing labels in English for imported clothes (51311)	METI +	Concerning the care labeling codes for home washing, etc., there is the JIS L 0217. The Household Goods Quality Labeling Law stipulates that labeling must be in keeping with the JIS L 0217. In terms of international standards, there is the ISO3758. However, as no evaluation method has been prescribed yet, it is not appropriate to introduce the ISO3758 domestically. JIS L 0217 is to be completely coordinated with the international standards as soon as the ISO standards are established for the test evaluation method that is currently under review at the ISO.	This problem is going to be almost entirely solved by ISO/CD3758rev. The revised CD was issued as DIS on October 30, 2001, and therefore, the ministry has been working on revising JIS L 0217 so as to make it coordinated with that.		b
Expediting the import of the samples of raw materials of poisonous or deleterious substances, narcotics and the like (51312)	MHLW	Since a poisonous or deleterious substance is a chemical substance that can cause injury in small quantities, the ministry cannot accept establishing a special system on the ground of small quantities. The process from application to registration does not take two months for every case, and the ministry is endeavoring to process applications in order as quickly as possible, while preserving fairness.	As stated in corresponding policy. In the case of importing poisonous or deleterious substances not for the purpose of sales or conferment but for experiment, research or personal consumption, it is possible to import them without registering import brokers according to the Poisonous Substances Control Law by obtaining an import report confirmed by the Ministry of Health, Labour and Welfare from the Regional Bureau of Health and Welfare.		
Simplifying the application procedure related to the standards for preventing the explosion of electric machinery (51313)	MHLW +	Regarding the acceptance of products that meet the standards of the EU and other countries, the "3rd Report of the Market Access Ombudsman Council" (March 1996) referred to it, and the necessary investigations and studies are currently underway.	In order to investigate the recent trend of the international standards for explosion-proof electric machinery, experts have been carrying out investigations and studies since 2000.		b

	MHLW +	Regarding the “acceptance of the test data of foreign testing organizations,” the ministry has been actively designating foreign testing organizations as well as trying to publicize the designation system. As for submitting attached documents in English when applying for authorization, it is considered fundamental from the international perspective to submit application documents written in the language of the accepting country.	Regarding designated foreign testing organizations, the ministry has been actively designating organizations, and the number of designated organizations has been increasing (two in 1997 to six in 2002). The ministry will continue to publicize the designation system.		a
	MHLW +	The authorizing agencies have been offering consultations and have prepared the application guidance so that the application procedure will be conducted promptly. The ministry intends to guide the authorizing agencies through explanatory meetings, etc. in order to enable applicants to promptly file applications.	In FY 2001, authorizing agencies replied to 278 consultations concerning application procedures, etc., and held four workshops for manufacturers, etc. to explain application procedures. The ministry will guide the authorizing agencies on improving the consultation system so that the application procedures continue to be promptly conducted.		a
Deregulating pressure (51314) containers and the like	METI +	Regarding pressure containers, the ministry shall start working on the revision of the JIS standards related to pressure containers within FY 1997, and the related ministries shall aim to conform as closely as possible with the mandatory legislation (High Pressure Gas Safety Law, Gas Utility Industry Law, Electricity Utilities Industry Law and Industrial Safety and Health Law).	JIS B8265 was established on March 27, 2000, and the conformity of the mandatory legislation (High Pressure Gas Safety Law, Gas Utility Industry Law and Electricity Utilities Industry Law) with JIS B8265 has been the aim so far.		a

	MHLW +	Since there exist major differences in the purpose, content, and effect of the law between the Industrial Safety and Health Law and the Industrial Standardization Law, it is not appropriate to make uniform the structural standards, which are the technical standards of the Industrial Safety and Health Law, and the JIS standards, which are the technical standards of the Industrial Standardization Law. However, the ministry shall continue to seek conformity with the JIS standards.	JIS B8625 was established in March 2000 as the technical standard for pressure containers. Regarding pressure containers under the Industrial Safety and Health Law, the manufacturing of pressure containers in conformity to the relevant JIS standards was approved by a notice dated October 1, 2001.		a
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4. Related to transportation and traffic

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Simplifying documents (71401) attached to an application for permit to carry tall containers	MLIT +	With regard to the omission of a route map in applying for a right-of-way permit for special motor vehicles carrying a tall marine container, the ministry shall comprehensively determine the matter by considering measures to secure the observance of the permitted routes based on the nature of the procedures for designated route, the actual situation of control by the road administrators, etc.	As stated in corresponding policy.		

<p>Reviewing maximum limits (61401) on the width of camper-trailers and reviewing how the right-of-way permit for special motor vehicles are handled</p>	<p>MLIT</p>	<p>The structures of roads are determined in anticipation of vehicles with certain properties (vehicles for design: the width is 2.5 m), and roads are designed to enable such vehicles to pass through safely and smoothly. Accordingly, it is not possible to raise the maximum vehicle width. The size is the same as the width of vehicles set out in the “Dimensions and Weight of Vehicles in International Traffic” in the Convention on Road Traffic, and methods for regulating vehicle width are the same as those under the U.S. domestic law.</p>	<p>As stated in corresponding policy.</p>		
<p>Clarifying and internationally (51401) harmonizing the certification procedures pertaining to engines used in ships</p>	<p>MLIT +</p>	<p>Inspections for ship engines are conducted similarly for all engines, based on public regulations and inspection methods, with no internal-external distinctions. Based on the Reports of the Market Access Ombudsman Council on March 18, 1996 and March 17, 1997, the ministry rationalized inspections by utilizing ISO 9000 series, in March 1998.</p>	<p>Regarding rules on inspections for ship engines and inspection methods, the ministry has been introducing such internationally recognized standards as ISO standards as needed, and has also been taking measures to appropriately utilize test data certified by proper classification societies in inspections for engines for small ships.</p>		<p>a</p>

5. Related to construction

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Accepting exporting (71501) country's test data in application for JAS standard grade for structural glued laminated lumber	MAFF	Since the JAS standards and the New Zealand standards differ in terms of the quality items required and testing methods, it is difficult to simply compare the two standards. As to the equivalency examination on New Zealand's forestry products, in response to an inquiry from the New Zealand Embassy in Japan, the ministry again gave the responsible official of the embassy an explanation on the necessary documents and the specification of types of forestry products, etc. in January and February 2002.	As stated in corresponding policy. Regarding the equivalency examination on New Zealand's forestry products, the ministry has not received any notifications from New Zealand since it gave its explanation to the responsible official of the New Zealand Embassy on February 4, 2002.		
Promoting importation of (71502) foreign-made wooden fire-proof doors	MLIT	The complainant is advised to utilize the recognized performance evaluation organization system, which was established by the Building Standards Law in 1998. As for the type approval certification system, the complainant is advised to utilize designated certification organizations that include foreign countries in their scope of business. The Ministry of Construction notification on structural methods for fire-proof equipment shows an example of specifications that have the required properties. It is thus unnecessary for a product to be based on this notification if it satisfies the required properties.	The systems of performance evaluation and type approval certification were introduced through amendment to the Building Standards Law in 1998, and it has become possible for foreign organizations to conduct performance evaluation and type approval certification with the approval of the Minister of Land, Infrastructure and Transport. Therefore, the ministry has taken a measure towards it. As for the provisions in the Building Standards Law, the ministry aimed to set the performance provisions in the 1998 Building Standards Law. It is thus possible to utilize fire-proof doors that are not based on the specifications prescribed in the notification, if they satisfy the required properties.		

Improving evaluation standards for inspection of management items relating to public works projects ordered by local government (61501)	MPHPT +	The responsible ministry (formerly the Ministry of Home Affairs), with the former Ministry of Construction, issued a notice to the prefectures and ordinance-designated cities on February 16, 2000, in order to ensure the appropriate setting of scores in the inspection of management items, which are required to participate in tenders for public works projects conducted by local governments to which the Agreement on Government Procurement applies.	Measures have been taken. (As stated, the ministry issued a notice to prefectures and ordinance-designated cities on February 16, 2000.)		a
Correcting exclusionary goods procurement for construction projects (61502)	MLIT MEXT MPHPH	The blueprints (drawings, etc.) do not specify specific manufacturer's products, but merely show the quality standards and specifications for the materials.	As stated in corresponding policy.		
Utilization of foreign test data in inspecting imported building materials (61503)	MLIT	The amendment of the Building Standards Law in 1998 enabled the certification of foreign manufacturers and the designation of foreign organizations that carry out the certification of foreign manufacturers. In addition, the law made it possible to receive technical evaluation at foreign evaluation organizations approved by the Minister of Construction.	As stated in corresponding policy. In addition, for some tests, it is possible to receive performance evaluations based on the test data obtained in the country of origin.		

Relaxing regulation of foreign-specification non-combustible materials (61504)	MLIT	In approving non-combustible materials, it is necessary to determine whether products have performance required by statute. Even for products that meet foreign standards, it is required to determine whether they satisfy the statutory performance standards. The amendment of the Building Standards Law in 1998 made it possible to receive technical evaluation at foreign evaluation organizations approved by the Minister of Construction.	As stated in corresponding policy.		
Early introduction of mutual certification in the construction field, and promotion of international harmonization of performance standards and performance testing methods for construction materials (61505)	MLIT +	The amendment of the Building Standards Law in 1998 enabled the certification of foreign manufacturers and the designation of foreign organizations that carry out the certification of foreign manufacturers. It also enabled the receipt of technical evaluations at foreign evaluation organizations approved by the Minister of Construction. The ministry is now studying the international harmonization of performance testing methods for building materials, etc. in preparation for the proclamation of cabinet and ministerial ordinances on the Building Standards Law in June of next year.	As stated in corresponding policy. The ministry is trying to internationally harmonize performance testing methods for construction materials, etc. by revising and establishing cabinet and ministerial ordinances concerning the amendment of the Building Standards Law in 1998.		a
Indicating the schedule for implementing performance provisions under the Building Standards Law and establishing transparency in setting down cabinet ordinances and rules (61506)	MLIT +	Regarding the content of cabinet ordinances, etc., the ministry plans to announce them at the stage of proposal in a timely and appropriate manner, based on the public comment procedures decided by the Cabinet on March 23, 1999. (The responsible ministry announced the proposed revisions of the enforcement order and carried out public comment procedures from February 15 to March 14, 2000. Especially for the outline, the procedures were also conducted in English.)	The Building Standards Law amended in 1998 has been in full force since June 1, 2000. The relevant cabinet and ministerial ordinances and notifications have been revised or established by May 31, 2000. In revising or establishing the relevant cabinet and ministerial ordinances and notifications, the ministry conducted the public comment procedures.		a

Limiting ordinances passed by local governments based on the Building Standards Law and making related information available (61507)	MLIT	It is essential for local governments to use their ordinances in order to respond adequately to the particularity of the regional climate. Since local government ordinances are democratically established through local assembly proceedings within the extent of authority under the Building Standards Law, the ministry believes that the need for and purpose of establishing ordinances have been made clear by necessity.	As stated in corresponding policy.		
Improving the quality inspection and verification system for overseas construction materials (materials imported for public construction) (51501)	MLIT	The examination and verification works are conducted by the external bodies of the Ministry of Construction in order to examine and verify whether construction materials manufactured overseas satisfy the JIS and the quality control system of factories, etc. manufacturing them is reliable. In this verification work, the items which are also included in those for the ISO certification are omitted.	As stated in corresponding policy.		
Simplifying the JIS verification procedure pertaining to glass used for construction (51502)	MLIT	For construction material and equipment without the JIS mark or any other public verification, the confirmation of conformance by supervisory personnel has been required for each construction site in the past. With the aim of making this confirmation work efficient, the Public Buildings Association, etc. began quality and performance evaluation work on construction material and equipment. The data necessary for this evaluation are those that have gone through tests by public testing organizations in Japan or abroad. It is up to the applicants to decide which country's testing organization to select.	As stated in corresponding policy.		

Simplying certification work (51503) for construction materials, etc.	MLIT +	The responsible ministry formulated the “Guidelines for Dealing with Test Results” in October 1994, and determined that they would accept the results of performance testing for construction materials, etc., which was properly conducted based on the Building Standards Law by a testing organization that satisfied certain conditions, regardless of whether the organization was domestic or foreign. The responsible ministry also formulated the “Guidelines for Designating Testing Organizations” by using the international standards (ISO/IEC Guide 25) as references to clarify the standards and procedures of designating testing organizations.	For the international harmonization of standards, the Building Standards Law was amended in 1998, and the performance provisions were established. Lumber, etc. in conformity with the foreign standards have been generally accepted if they conformed to the designated standards. In addition, the responsible ministries have aimed to simplify certification work by enabling foreign organizations approved by the Minister of Land, Infrastructure and Transport to conduct technical evaluation.	b
	MPHPT +	As for correspondence to the international standards, the ministry has been actively participating in such ISO meetings as TC21 (fire-fighting equipment) among the expert committees of ISO. Moreover, overseas materials used for fire defense equipment, etc. have been accepted as appropriate if they are recognized as satisfying standards equal or superior to the domestic standards (JIS, etc.).	As stated in corresponding policy.	b
Promoting the import of (51504) overseas construction materials and equipment	MLIT +	The responsible ministry has been working on the amendment of the Building Standards Law, focusing on the introduction of the performance provisions into the construction standards, based on the March 1997 report of the Building Council. The ministry plans to submit a bill to the ordinary Diet session in 1998.	For the international harmonization of standards, the Building Standards Law was amended in 1998, and the performance provisions were established. The ministry also enabled foreign organizations approved by the Minister of Land, Infrastructure and Transport to conduct technical evaluation and expanded the scope of mutual recognition.	a

6. Related to information and communications

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Simplifying technical standard conformity certification inspection, etc. concerning radio equipment for imported computers (71601)	MPHPT +	Under the technical standard conformity certification system, the ministry has already introduced the “procedures for certification of design” and the “procedures for omitting part of the examinations in the case where an accredited testing laboratory submitted the test results of the equipment applied for to a designated certification organization,” in addition to the “procedures for certification of individual equipment.” As a result of the enforcement (November 2001) of the Law to Amend Part of the Telecommunications Business Law, the requirement of being a public corporation was deleted from the criteria for the designation of a certification organization, opening the way for profit-making corporations to enter the market.	The conditions for designating profit-making corporations as designated verification/certification organizations are as follows, and the ministry believes that diversified services and lower fees will be achieved on the basis of the market principle. Designated verification organization: DSP Research (designated on August 7, 2002) Designated certification organization: TUV Rheinland Japan (designated on August 14, 2002)		a

7. Related to import procedures

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Simplifying procedures for refund of customs duty/consumption tax due to return of imported goods (71701)	MOF	The documents to be attached are: 1) a document certifying that the goods in question are in violation of a contract and 2) an import permit. As a “document certifying that the goods in question are in violation of a contract,” a claim settlement document (including telegrams or	As stated in corresponding policy.		

		telexes indicating that the exporter has accepted the claim) must be attached.			
Reviewing customs tariff (71702) classification of coffee maker pots	MOF	The customs tariff classification is internationally uniform under the HS Convention (International Convention on the Harmonized Commodity Description and Coding System). The goods in question were classified focusing on their property as glass products.	As stated in corresponding policy.		
Making the enforcement of (71703) the laws to revise the Customs Law and other laws well known in advance	MOF	Since the revisions of customs duty are usually fixed at the end of each year as in the case of tax system revisions that constitute part of the budgetary policies, it is difficult to further expedite the revising work schedule. The ministry intends to put more emphasis on publicity activities.	As stated in corresponding policy.		
Simplifying and rationalizing (71704) import quota application procedures for laver	METI	For the first-come, first-served quota allotments for laver, applicants draw lots in front of all other applicants and are allotted a quota if they have passed the document screening. This is to prevent duplicate applicants and ensure a fair, prompt screening. The ministry intends to actively promote computerization of the application procedures, but there are still technical problems at present.	As stated in corresponding policy.		
Making import tariffs on (71705) automobile carpets reasonable	MOF	Since the product in question is raw cloth in a rolled form, it cannot be realistically assessed to be "of a suitable size and shape for automobiles." Therefore, it cannot be classified as a product for automobiles.	As stated in corresponding policy.		
Extending the office hours of (71706) the customhouses	MOF	The customhouses deal with the procedures by arranging staff outside of regular office hours in response to applications for overtime services. Customs clearance offices that receive many requests have already arranged resident staff	As stated in corresponding policy. In order to identify problems, etc. in 24-hour service in ports and harbors, the operation of trial office hours was commenced in October 2002 at eight customhouse offices that deal with a		*

		outside of regular office hours.	high volume of cargo containers. The trial office hours are from 17:00 to 21:00 on weekday evenings and from 8:30 to 17:00 on weekends and holidays.		
Partially abolishing import quotas on marine products, and simplifying and rationalizing application procedures for import quotas (71707)	METI	It is not possible to abolish import restrictions on herring, mackerel, etc. As to the place of application for first-come, first-served import quota allotments, it is difficult to receive applications at the Regional Bureaus of Economy, Trade and Industry or electric applications. For the first-come, first-served allotments, it is necessary to conduct lots under the eye of all applicants, therefore, on-line applications are not accepted.	As stated in corresponding policy.		
Providing information on import cargo via the Internet (71708)	MOF +	As to the NACCS, the utilization of the Internet is now under consideration. This will make it possible to track the customs-clearance status. However, it would be difficult to make the system free of charge.	The ministry has been promoting development work for Internet access in order to realize the system by the end of FY 2002. It is difficult to make the system free of charge.		b
Notifying documents to be submitted in application for importing OEM goods, and standardizing the forms of the documents (71709)	MOF	Goods that infringe intellectual property rights are contrabands. When the customhouse considers goods to infringe such rights, it starts the certification procedures to determine whether they do infringe such rights. If a document certifying authenticity is attached, the customhouse may permit the import of the goods in question without going through certification procedures. Such documents are to be submitted on a voluntary basis, and it is rational to accept a wide variety of documents in free forms.	As stated in corresponding policy.		
Promoting 24-hour operations of harbor loading and unloading (71710)	MLIT +	With regard to promoting 24-hour service in ports and harbors, the “New Comprehensive Distribution Policy Outline” was decided by the Cabinet (on July 6, 2001). On June 21, the	At the end of November 2001, labor and management engaged in harbor transportation agreed to conduct harbor practices 24 hours a day everyday, except January 1, and to carry		b

		Ministry of Land, Infrastructure and Transport inaugurated the FY2001 Harbor Distribution Efficiency Promotion Study Committee, which is composed of persons concerned including those from the Japan Harbor Transportation Association, for early realization of the 24-hour service in ports and harbors. The committee is now examining such issues as specific demands from shipping companies and shippers, and the problems of labor costs arising from the introduction of a work shift system.	out gate operations from 15:30 to 20:00 on Saturdays, Sundays and holidays in the same way as weekdays. The Ministry of Land, Infrastructure and Transport also established the Harbor Distribution Efficiency Promotion Study Committee in FY 2002, which is now examining the 24-hour gate operations through empirical experiment at the Yokohama Port, etc.		
Flexibly applying import (71711) declarations concerning chips	MOF	In the case where importers utilize the preliminary examination system, they can make the import declaration during the office hours of the next opening of the customhouse in line with their own intent if the chips in question have already been brought into the bonded area. If importers obtain the approval of customs clearance for cargo aboard ship, they can make the import declaration without bringing in the chips to the bonded area (It is necessary to submit a freight list in advance).	As stated in corresponding policy.		
Simplifying and speeding up (71712) the submission of necessary documents in importing medical equipment	MHLW	In order to confirm that the imported items and the permitted items are identical, it is not enough to present a permit to import and sell drugs, etc. in which only the names of the items are given.	As stated in corresponding policy.		
	MOF	Unless an importer certifies that he has the permits/approvals under other laws and ordinances, the import cannot be permitted.	As stated in corresponding policy.		
Lifting restricted conditions (71713) of importers in simplified declaration system	MOF	It is reasonable to determine that the rights and obligations arising for special importers are attributable to corporations, etc. to which their office belongs. Therefore, the current system is appropriate.	As stated in corresponding policy.		

Improving simplified (71714) declaration system	MOF	Importers deposit cargo receipt security for only one month for four-month imports, and claims such as customs duty for other three months cannot be secured. Therefore, it is difficult to introduce the proposed system.	As stated in corresponding policy. Incidentally, one and a half years have passed since the introduction of the system, and the ministry has been considering various issues on the current system based on the implementing conditions.		*
Introducing import (71715) procedures by JETRAS	METI	JETRAS is a system to electronically process applications for export/import permits or approvals based on the Foreign Exchange and Foreign Trade Control Law, and it does not cover export/import declarations based on the Customs Law. JETRAS and NACCS are to be linked by the end of FY2002. However, this linkage is designed to make it possible to electronically conduct endorsement, which is a confirmation of the fact on the backside of export/import permits or approvals given by the customhouse based on the Foreign Exchange and Foreign Trade Control Law as part of its business to confirm compliance with other ordinances.	As stated in corresponding policy.		
	MOF +	NACCS made it possible to conduct procedures by computer. The ministry has been studying making NACCS available via the Internet. It is difficult to make NACCS free of charge.	Regarding NACCS, the ministry has been proceeding with the work to enable access to it via the Internet by the end of FY 2002. It is difficult to make NACCS free of charge.		b
Temporary customs clearance (61701) of special vehicles from Korea	MOF +	The ministry intends to consider applying similar provisions and simplifying procedures for import and export.	The ministry revised the directive “Customs Clearance for Private Automobile Imported or Exported Aboard International Ferries” in March 2000, and implemented simplification of the procedures, such as the integration of the export and import declarations.		a
Combining payment of (61702) tonnage duty at ports in the Hanshin area	MOF	The area covered by an open port is to be determined by the port area set out under the Port Regulation Law, which specifies the port areas throughout Japan. Therefore, it is difficult to	As stated in corresponding policy.		

		combine ports in the Hanshin area into one open port.		
Simplifying import procedures for poisonous and deleterious substances for private use (61703)	MHLW	The ministry requires the minimum necessary documents for obtaining a pharmaceutical inspector's certificate, which is necessary to import poisonous and deleterious substances for private use. Therefore, the number of documents required cannot be reduced. Regarding the issuance of pharmaceutical inspector's certificates, if applicants bring the required documents to the Ministry of Health, Labour and Welfare, certificates are issued on the spot after verification of the contents. The ministry also processes applications by mail on the same day of their receipt.	Although the operation of issuing pharmaceutical inspector's certificates was transferred to the Regional Bureaus of Health and Welfare in January 2001, the documents required for obtaining pharmaceutical inspector's certificates and the number of days for issuance are as stated in corresponding policy.	
Toy imports (61704)	MHLW	In importing toys, it is not possible to exempt toys from import inspection on the ground that they conform to the ASTM or CE in the United States. Regarding the utilization of foreign test data, the exporting country public testing organization system is available. As for toys, etc. which were made from the same materials, import inspection is omitted for an indefinite period if a copy of the initial inspection report is attached.	The ministry provides information on the exporting country public testing organization system on its Web site. The ministry intends to utilize the system of omitting import inspection on toys, etc. made of the same materials with attachment of a copy of initial inspection report for an indefinite period, for the purpose of simplifying and expediting the import procedures.	
	MOF	Since it is necessary to inspect the contents of declaration and socially undesirable items, it is not possible to omit inspections across the board. For nine-digit code used in Japan, the last three digits are code used only in Japan. Accordingly, it is sometimes not possible to use the exporting country's code as it is for import.	As stated in corresponding policy.	
Reviewing the declaration system of payment of (61705)	MOF	Consumption tax on imported goods is levied at the time of import, and declared and paid on each	As stated in corresponding policy. Incidentally, the "simplified declaration	*

consumption tax when imported goods are cleared through customs		occasion. A grace period (within 3 months) is available, and it is not necessary to submit an evaluation declaration for nondutiable goods.	system” was introduced in March 2001, enabling import cargo to be taken back before tax declaration.		
Exempting cargo produced from molds provided gratis from the consumption tax when imports are cleared through customs (61706)	MOF	Importers concerned do not pay any consumption tax imposed at the time of import due to the deduction of input tax.	As stated in corresponding policy.		
Improving application of preferential tariffs (61707)	MOF	One method ensuring that quotas remain at the end of the fiscal year is the prior quota allocation method. However, this method is disadvantageous to importers, since the value to which preferential tariffs apply is smaller compared to the daily or monthly control method. It is necessary to coordinate with the ministries in charge of materials in order to expand or eliminate the ceiling values.	As stated in corresponding policy. The preferential tariff system was improved in FY 2001 by (1) eliminating the ceiling values for many items, (2) integrating control methods into the monthly control method, and (3) expanding the ceiling values by 3% every fiscal year.		*
Clarifying standards for the opening hours of customhouses outside of regular office hours and eliminating overtime service fees (61708)	MOF	The hours of operations outside of the regular office hours refer to the time from the beginning to the end of the services requested by the applicant. Since overtime service fees ask the applicants, who are the recipients of the benefit, to bear fees set in consideration of administrative costs arising from the services outside of the regular office hours of customhouses, it is not possible to eliminate the fees.	As stated in corresponding policy.		
Simplifying documentation used for preparing customs clearance statistics (61709)	MOF	Statistics are broken down from the viewpoint of protection of domestic industries, etc., and the ministry shall require only the minimum documentation necessary, such as when it is not possible to determine such important matters as classification based on invoices.	As stated in corresponding policy.		
Pre-clearance inspection of chilled products (61710)	MOF +	Importers can conduct inspections, etc. on the contents of the cargo in question in the bonded	As stated in corresponding policy.		a

		area or bonded warehouse. Accordingly, ordinary inspection is possible even prior to customs clearance.			
Coordinating tariff codes and (61711) tariff rates	MOF	The Customs Tariff Schedules are based on the HS Convention. A classification center was established to ensure the uniformity of classification throughout Japan, and information is available for inspection due to the introduction of a classification information search system.	As stated in corresponding policy.		
Speeding up replies for prior (61712) notification	MOF	The ministry set a standard processing period (10 days) for prior notification, and has been endeavoring to complete the processing within the period. In cases where more than 10 days are required, the ministry notifies importers, etc. as such.	As stated in corresponding policy.		
Simplifying procedures for (61713) applying Article 8 of the Temporary Tariff Measures Law at the time of import clearance	MOF	When the amount of fabric needed for cloth in the same style differs depending on size, calculation shall be made by multiplying the average amount of fabric needed by the number of products imported, and calculation by size is not required.	As stated in corresponding policy.		
Improving method for (51701) declaration of subsidiary materials	MOF	It is implemented under the internationally unified rules based on the Customs Valuation Agreement. Accordingly, subsidiary materials are included in the taxable amount proportionally, and the lump-sum calculation method is not acceptable.	Since the WCO expressed its opinion that the lump-sum calculation of costs for subsidiary materials that were offered free of charge does not violate the WTO Valuation Agreement, the ministry revised the basic directive on the Customs Tariff Law in April 2000 to make "costs for subsidiary materials, etc." the subjects of the lump-sum calculation.		*
Providing the "Before (51702) Permit" (BP) system and the like	MOF +	In approving BP, it is necessary to confirm in a contract or the like that the taxation standard, etc. has not been fixed. However, it is also possible to use a copy of the contract. If freight has not been fixed yet, the ministry approves BP. Nearly all financial agencies serve as revenue agencies, and	As stated in corresponding policy. The ministry will establish and start a system that enables the payment of treasury funds by using the Internet, etc. by the end of FY 2003.		a

		payment is possible there.		
Simplifying procedures for re-importing processed goods (51703)	MOF	It is in principle necessary to conduct a calculation for each product style since not only the tariff number and tariff rate but also the percentage of materials used, etc. differ for each style. The ministry will thoroughly instruct customhouses not to request the submission of materials that are not indispensable.	As stated in corresponding policy.	
Rationalizing the system of consigned processing trade (51704)	METI	The consigned processing trade for which export approval is necessary pertains to the following two cases: (1) when exporting silk fabrics, etc. as raw materials and consigning the tie-dyeing of the fabrics, and (2) when exporting leather or semi-finished leather products and consigning the manufacturing of leather products, etc. It is difficult to abolish the current approval system that has been implemented to avoid adverse effects on smooth industrial activities in Japan.	As stated in corresponding policy.	
Simplying the tariff quota application form (51705)	METI	Because the number of documents to be submitted are minimized to the utmost necessary ones, it is difficult to simplify the application procedures any more by reducing the documents to be submitted.	In respect of the submission of documents by those who have experience in applying for a tariff quota, it has become sufficient to submit the certificate of a seal-impression and the certified copy of register only in case their contents have changed, in terms of applications for tariff quota accepted from FY 2000 onward.	*
Abolishing invisible payment report, import report, etc., or easing reporting requirements (51706)	MOF +	Since the invisible payment report is indispensable to compiling a balance of payments statistics, it is not possible to abolish it. The ministry has been considering raising the minimum amount to be reported from the viewpoint of maintaining statistical accuracy.	The ministry revised the Ministerial Ordinance concerning Reports on Foreign Exchange Transactions, etc. to raise the minimum amount to be reported for the invisible payment report (current name: report on payment, etc.) up to ¥30 million (promulgated on July 12, 2002, and scheduled to be enforced on April 1, 2003).	a

	METI +	The import report is to be abolished on March 31, 1998. The invisible payment report and other trade-related reports are to be abolished on March 31, 1998.	The import report was abolished on March 31, 1998. The invisible payment report and other trade-related reports were abolished on March 31, 1998.		a
Increasing the number of (51707) import cargo inspection personnel	MOF	Customs inspections are basically completed on the day that an item is received from a postal service office.	As stated in corresponding policy.		
Simplifying the types of (51708) import application documents	MOF	The ministry has been making efforts to simplify and rationalize attached documents, and introduced the simplified customs clearance system according to the limit values. For example, for small-value cargoes of ¥200,000 or less, the ministry approves the simplified clearance handling. The ministry has been considering the introduction of EDI in the import procedures, but it is difficult to immediately introduce EDI since invoices differ for each company.	The ministry has been promoting the development and introduction of the Customs Procedure Entry System (CuPES) in order to realize the computerization of application and notification procedures and other customs-related procedures, including invoices.		*
Simplifying clearance (51709) procedures for imported houses	MOF +	When it is possible to confirm, in contracts, etc., that declared goods are part of the relevant house, importers are approved to utilize the Before Permit system, and it is possible for them to import all relevant goods collectively after the final cargo declaration or to make declaration of a single item for each arrival.	As stated in corresponding policy.		a
Simplifying import clearance (51710) procedures pertaining to product repair	MOF	Regarding the portion of goods, it cannot be confirmed only by an export permit that the relevant portion of goods was exported from Japan. Therefore, confirmation is made by requesting the submission of such documents as catalogues. It is thus difficult to apply tariff exemption just on the basis of the indication of the country of origin on an invoice.	As stated in corresponding policy.		
Making confirmation of (51711)	MOF +	Prior notifications are given no matter whether or	As stated in corresponding policy.		a

actual articles on import declaration flexible		not the import cargo has arrived. Requests for prior notification are accepted in the customs clearance line for cargo that has arrived and at the department of Custom Appraiser for cargo that has not arrived yet.		
Promoting introduction of EDI to import clearance procedures (51712)	MOF +	The ministry has been promoting development concerning services covered by the upgraded Sea-NACCS, service processing specifications, EDI method, etc.	In October 1999, the system was renewed to an open system based on EDI (electronic data interchange) with users' in-house systems and other systems. The specifications of EDI are on view on the Web site.	a
Implementing 24-hour-a-day processing of import declarations (51713)	MOF +	The ministry responds to 24-hour-a-day processing for air cargo by the Air-NACCS, while it is expected to be able to respond to such processing for sea cargo by the upgraded Sea-NACCS, which is scheduled to begin operating in FY 1999.	Air-NACCS and Sea-NACCS can realize the 24-hour-a-day processing system.	a

8. Other

Name of complaint (No.)	Responsible ministries and agencies	Government decision of specific measures by the Office of Market Access/corresponding policy	Actual conditions	
International harmonization of verification testing methods for mutagenic properties of glutaraldehyde (71801)	MHLW	Under the current hazard-assessment testing system, two kinds of tests are conducted in order to screen substances suspected of having carcinogenic properties. It is not possible to change the treatment of the chemical substances, which have been found to have mutagenic properties through these tests, simply on the grounds of the results of another in vivo tests for mutagenic properties, unless the substances are conclusively proved to have no carcinogenic properties for human beings.	As stated in corresponding policy. Up to February 1997, 10 substances have come to be covered by the guidelines to protect workers from damage to their health based on Article 28 of the Industrial Safety and Health Law, which concerns chemical substances recognized as having carcinogenic properties through animal experiment, and two substances have newly come to be covered by the guidelines in January 2002.	

International harmonization (61801) of verification testing methods for mutagenic properties of glutaraldehyde	MHLW	The hazard-assessment testing system conducted by the Ministry of Labor focuses on carcinogenic properties, and the ministry considers the current two types of tests sufficient. However, the ministry shall separately consider cases when it has become clear that the substance in question does not have carcinogenic properties.	It cannot be surely confirmed that glutaraldehyde has no carcinogenic properties for human beings. The substance will be continuously left in the list of chemical substances recognized as having mutagenic properties, taking into consideration the fact that there is data showing that it will have healthy effects on the human body.		
Deregulating the provisions (51801) of limit of security deposits and paid-in capital pertaining to foreign insurance companies	FSA	From the perspective of protecting the policyholders, etc. in Japan, the security deposit system sets the minimum necessary amount of business security deposit and the minimum amount of capital necessary to ensure a smooth execution of insurance services. It is thus appropriate to operate the system without variation, and it is not proper to implement the system by rank.	As stated in corresponding policy.		
Deregulating the labour field (51802)	MHLW +	Concerning the upper limit of the term of labour contracts, a bill that revises part of the Labour Standards Law was submitted to the current Diet session (1998).	The ministry extended the upper limit of the term of labour contracts from one year in principle to three years for labours with specialized knowledge and labours aged 60 or above (enforced in April 1999). The ministry also expanded the scope of specialized knowledge designated by the Minister of Health, Labour and Welfare by a revision of the notification in February 2002.		a
	MHLW +	From the perspective of realizing the equal treatment of men and women in the employment field and expanding the range of occupations for women, the regulations on overtime work, holiday work, and late-night work by women are to be eliminated, in conjunction with the amendment of the Equal Employment Opportunity Law.	With the amendment of the Equal Employment Opportunity Law, the regulations on overtime work, holiday work, and late-night work by women under the Labour Standards Law were eliminated on April 1, 1999. Therefore, the same regulations apply to both men and women.		a

	MHLW +	The Central Employment Security Deliberative Council is scheduled to start considering further expansion of the range of occupations handled by pay placement services by the end of FY 1997. The ministry has been taking such measures as follows since April 1997: simplifying procedures for obtaining permits to conduct pay placement services and making it possible to freely set commissions for placement services after receiving approval.	The draft amendment of the Employment Security Law with the following contents was enacted in the Diet session in June 1999 and came into force on December 1, 1999: (1) liberating in principle occupations handled by pay placement services, (2) expanding the valid period of permits, and (3) altering the approval system to the notification system in terms of commissions and making it possible to select either the notification system or the free setting not exceeding the upper limit. Incidentally, the relevant deliberative councils are considering a review of the entire placement service system.	a
	MHLW +	Eleven types of work were added to the applicable subjects of the worker-dispatching business. In addition, the Central Employment Security Deliberative Council started to discuss the comprehensive review of the system in January 1997, and it has been continuing further considerations to put the basic direction decided in December 1997 into shape.	The draft amendment of the Worker Dispatching Business Law was enacted in the Diet session on June 30, 1999 and came into force on December 1, 1999. It ensured that worker-dispatching businesses covered types of work other than, for example, harbor transportation work, construction work and security work. Incidentally, the relevant deliberative councils are considering the review of the entire placement service system.	a
Delegation concerning (51803) foreign legal consultants in Japan, etc.	MOJ +	Concerning partnerships between lawyers and foreign legal consultants, the ministry is to take measures to amend the law in the current Diet session (1998) to revise the system to the one that enables the consistent provision of legal services for legal cases involving foreign legal affairs based on comprehensive and integrated cooperation within the scope of their own duties up to the ultimate solution.	The ministry has taken the corresponding policy written in the left column. The Judicial Reform Promotion Headquarters, which was established in the Cabinet, will promote necessary study and considerations concerning the relaxation of requirements for specific joint business, and necessary measures are expected to be taken in line with the results of the study and considerations. The Ministry of Justice also intends to offer sufficient cooperation.	a

	MOJ +	The October 1997 report of the study group on the issue of foreign lawyers stated that it is not acceptable for foreign legal consultants to employ Japanese lawyers but that the needs for such employment are substantially met by enabling integrated and comprehensive cooperation between foreign legal consultants and Japanese lawyers. The Ministry of Justice is to take the above-mentioned measure based on this.	The employment of Japanese lawyers by foreign legal consultants is a matter related to the above, therefore, the Judicial Reform Promotion Headquarters has been promoting study and considerations in relation to the above matter.		b
	MOJ +	The Ministry of Justice is to submit to this Diet session a bill that amends the law so as to enable foreign legal consultants to handle legal business concerning the third country law on the condition that they receive written advice from a foreign lawyer of that third country who engages in legal business concerning the law in question based on his or her qualification as a foreign lawyer.	Regarding the handling of legal business of the third country by foreign legal consultants, the amendment of law enforced in August 1998 made it possible for foreign legal consultants to handle legal business concerning a specific foreign law (third country law) other than legal business concerning the specified law if they receive written advice from a foreign lawyer, etc. who meets certain requirements.		a
	MOJ +	Concerning the requirement of practicing experience for five years, the Ministry of Justice is to submit to this Diet session a bill that changes the required practicing experience period to three years or more and that enables foreign legal consultants who have engaged in legal business for the law of the country of their primary qualification in countries other than said country to include said experience to their practicing experience period under certain conditions.	Regarding the requirement of practicing experience, the ministry has taken measures for the corresponding policy by the enforcement of the amended law in August 1998. It was determined to limit the period of services in Japan, which can be included in the year of practicing experience, up to one year in total.		a

	MOJ +	Concerning the large increase of lawyers, the necessary measures are expected to be taken based on the agreement among the three branches of the legal profession. The number of people who pass the National Bar Examination will thus increase to around 1,000, and this is expected to lead to an increase in the number of lawyers. In addition, the three branches agreed to deliberate upon increasing the number of people who pass the National Bar Examination to about 1,500 after continuous study and considerations.	The Plan for Judicial Reform Promotion (decided by the Cabinet in March 2002) stated that the number of people who pass the National Bar Examination is increased to around 1,500 in 2004 and that it is aimed to increase the number of people who pass the new National Bar Examination to about 3,000 annually around 2010 while ascertaining the conditions of the establishment of the legal profession training system, including law schools.		b
	MOJ +	Concerning the incorporation of law firms, the ministry has been studying and surveying the actual conditions in line with the "Programme for Promoting Deregulation as Revised" adopted in March 1997. A conclusion is to be drawn by the end of FY 1998, and necessary measures are to be taken based on the conclusion as soon as possible.	Concerning the incorporation of law firms, the Law to Amend the Part of the Lawyer Law (enforced on April 1, 2002) enabled to establish corporations intended to conduct lawyer's businesses.		a
	MOJ +	Concerning the restrictions on advertisement of lawyers, the ministry has been studying and surveying the actual condition in line with the "Programme for Promoting Deregulation as Revised" adopted in March 1997. A conclusion is to be drawn by the end of FY 1998, and necessary measures are to be taken based on the conclusion as soon as possible.	Concerning the restrictions on advertisement of lawyers, the advertisement of lawyers was liberalized in principle in October 2000, and bar associations have been promoting the disclosure of information on lawyers by offering information on lawyers' services on the Internet and so on.		a
Prohibiting copying of (51804) musical scores under the Copyright Law	MEXT	As regards the protection of copyright, multilateral treaties such as the Berne Convention, the Universal Copyright Convention and the TRIPS Agreement have been established. Foreign works are protected under the Copyright Law in Japan, and Japan has ratified all of the above three treaties and fulfills all the obligations thereunder.	As stated in corresponding policy.		

(2) Individual Complaints

1. Related to animals, plants and foods

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Abolishing the import (96549) notification requirement for appliances	MHLW	Concerning machinery or equipment that comes in direct contact with food, since it is impossible to directly oversee manufacturing or processing in exporting countries, the ministry obliges notification for each import and observes the imports. Therefore, the notification requirement under the Food Sanitation Law cannot be abolished. As for a system to simplify import procedures, the planned import system is available.	For the purpose of simplifying and expediting the import procedures, the ministry intends to inform importers and others of the planned import system through its Web site and quarantine stations.	Cc	
Conformity of sterilization (97557) method for alcohol-free wine to the sterilizing standards	MHLW +	The Food Specifications Sub-committee of the Food Sanitation Council reported that, "concerning manufacturing standards for soft drinks, it is appropriate to allow manufacturing methods by disinfection for soft drinks other than frozen fruit drinks and both fruit juice used as an ingredient and frozen fruit drinks that were squeezed in a way other than by an airtight automatic juice squeezer." In response to this, the relevant notifications are scheduled for amendment in June 1999.	The notifications were amended on July 22, 1999, and concerning the manufacturing standards for soft drinks, manufacturing methods by disinfection were approved for mineral water, and soft drinks other than frozen fruit drinks and fruit juice used as an ingredient, as well as for frozen fruit drinks that were squeezed in a way other than by an airtight automatic juice squeezer, in addition to manufacturing methods by sterilization.	A	a
Clarification of procedures (97562) and time required for prior examination when importing soft drinks in straw-in-pack containers	MHLW	The complainant was advised on August 26, 1997 that the product in question conformed to the manufacturing standards for soft drinks. In the past, the complainant was asked for information on the manufacturing process and whether the straws inside the containers were sterilized. Inquiries were also made of the complainant on	For import examination, importers are requested to provide information as needed in order to confirm the conformity to standards, and the ministry will continue prompt examination in the future.	D	

		the sterilization method for the straws since there were doubts about it.		
Clarification of reasons for prohibiting import of English-made artificial food for snakes (97563)	MAFF +	After reviewing the potential danger of the snake food, the ministry has considered that there is no fear that snakes are infected with bovine spongiform encephalopathy through the said food and the disease thus spreads out to other animals. Therefore, the ministry made it possible to import the said food.	The ministry sent an explanatory document to the complainant from the Animal Health Division on January 7, 1998. After that, the Animal Health Division notified the complainant of the sanitary conditions for import on March 6, 1998.	A a
Review of testing method for arsenic in activated charcoal in Official Listing of Food Additives (98567)	MHLW +	The study council on the Seventh Edition of Official Listing of Food Additives studied this matter, and it was proposed that the testing method be changed from the “incineration method” to the “acid extraction method” at the Joint Subcommittee on Food Additives and Toxicity of the Food Sanitation Investigation Council. The Standing Committee of the said council completed a report including the above proposal, and Official Listing of Food Additives were revised on April 6, 1999.	Regarding this matter, Official Listing of Food Additives were revised on April 6, 1999 since the Standing Committee of the Food Sanitation Investigation Council completed the “Report concerning the Revision of Official Listing of Food Additives,” which includes the said proposal, on March 25, 1999 (came into force on the same day).	A a
Clarification of import standards for stag beetles and horned beetles from abroad (98583)	MAFF +	Seven species, including Chalcosoma atlas, for which the inquiry was made, were determined as not falling under quarantine pests (their import is possible under the Plant Protection Law).	As stated in corresponding policy.	A a
Clarification of standards for the import of snakes raised and reproduced for commercial purposes, and of reasons for prohibition on sale (98585)	METI	Since the Washington Convention bans commercial trade in species of which the “source is non-commercial use and which was reproduced in captivity,” the import of snakes in question for commercial use is not permitted except in cases where the complainant imports snakes for the purpose of reproduction based on the entrustment of import from zoos, etc.	As stated in corresponding policy.	Cc
Reducing inspection expenses for food imports (99588)	MHLW +	The ministry shall clarify specific details of necessary measures for making private testing	The ministry in principle plans to take measures within the fundamental revision of	A b

		organizations eligible as designated testing organizations under the Food Sanitation Law, and aims to propose amendment of the law during the current Diet session (154th) whenever possible, or in the next Diet session at the latest.	the Food Sanitation Law scheduled in 2003.		
Flexible application of import quotas for mackerel (99602)	METI	If the customs-cleared import volume (use of quota) is under 80 percent of the import quota, the relevant importers shall not receive any quota at the next first-come, first-served allotments. However, the system is flexibly applied when there are rational reasons. It is difficult to find a “rational reason” to the situation in question and, therefore, flexible application of the system will not be made.	As stated in corresponding policy.	D	
Extension of inspection-free periods under the continuous import system (00614)	MHLW	The continuous import system was introduced in April 1982. Instruments, containers, packages and toys whose materials, coloring agents and manufacturing methods are the same have been made free from import inspection indefinitely since December 1994 as long as a copy of the initial test report is attached.	The ministry intends to make use of the acceptance of test reports as stated in the corresponding policy for the purpose of simplifying and expediting the import procedures.	Cc	
Exemption of glass instruments from liquation tests (00621)	MHLW	Most of instruments are produced by calcination after painting and coating with pigment. Such coating and pigment, etc. generally include cadmium, lead and other chemical compounds. If calcination temperatures or durations are inappropriate, these harmful heavy metals may liquate out.	As stated in corresponding policy.	Cc	
Application of test data from exporting country public testing organizations (00622)	MHLW	Regarding test data obtained by exporting country public testing organizations, under the continuous import system, instruments, containers, packages and toys whose material qualities, coloring agents and manufacturing methods are the same have been made free from	The ministry intends to make use of the acceptance of test reports as stated in the corresponding policy for the purpose of simplifying and expediting the import procedures.	Cc	

		inspection indefinitely as long as a copy of the initial test report is attached.			
Improvement of the exporting country public testing organization system (00623)	MHLW +	The ministry has been giving information on the exporting country public testing system to embassies and making such information available at the food-monitoring counters of quarantine stations and on its Web site. In consideration of this complaint, the ministry shall make full efforts to inform the food-monitoring counters of quarantine stations of the diffusion and promotion of this system.	Information on the exporting country public testing organization is available on the Website of the Ministry of Health, Labour and Welfare. Incidentally, the ministry informed embassies of information on the placement of the English Web site on July 12, 2001, and will make efforts to diffuse and promote the system.	A	a
Review of sterilization methods for spices (00624)	MHLW	The radioactive irradiation of food is banned in principle under the food specifications and standards based on the Food Sanitation Law, and should be prudently considered in view of consumers' opinions.	The ministry is now compiling scientific references on the safety of irradiated foods and detection methods. Since Codex is also discussing the upper limit of exposure, the ministry will prudently consider ways to discuss the radioactive irradiation of foods in consideration of the trends of the discussion, consumers' opinions, and others.	D	*
Engagement with the Dietary Supplements Subcommittee (00625)	MHLW	The ministry has been giving opportunities for the general public, including industry organizations and other stakeholders, to present their opinions by holding the Dietary Supplements Subcommittee of the Food Sanitation Investigation Council in public, listening to the opinions of industry organizations and other stakeholders, and inviting public comments.	As stated in corresponding policy. (The food with health claims system came into force in April 2001.)	Cc	
Review of the standards for use of food additives (sorbic acid potassium) (01632)	MHLW	The standards for use of sorbic acid potassium and other food additives shall be revised in accordance with the "Guidelines for designation of food additives and revision of use standards." If those who hope for revisions make relevant requests to the Minister of Health, Labour and	Regarding revisions of the standards for use of food additives, if those who hope for revisions make relevant requests to the Minister of Health, Labour and Welfare in line with the "Guidelines for designation of food additives and revision of use standards,"	D	

		Welfare in line with the guidelines, the ministry is to take appropriate measures.	the ministry is to take appropriate measures. However, no requests have been made for this case.		
Request for the designation of food additives (magnesium stearate, and methylene chloride) (01633)	MHLW	New food additives, such as magnesium stearate and methylene chloride, shall be designated in accordance with the “Guidelines for designation of food additives and revision of use standards.” If those who hope for such designation make relevant requests to the Minister of Health, Labour and Welfare in line with the guidelines, the ministry is to take appropriate measures.	New food additives shall be designated in accordance with the “Guidelines for designation of food additives and revision of use standards.” If those who hope for such designation make relevant requests to the Minister of Health, Labour and Welfare in line with the guidelines, the ministry is to take appropriate measures. However, no requests have been made for this case.	D	
Reduction of the amount of samples taken for monitoring tests (01634)	MHLW	The ministry sets the amount of samples taken for monitoring test at 300 g since the amount required for good laboratory practice is added to the amount required for the analysis of additives. The ministry implements such tests while taking care to avoid any deviation to certain importers, manufacturers or products.	The ministry will continue to take necessary samples in order to conduct tests.	D	
Review of the standards for use of food additives (ethyl acetate) (00638)	MHLW	The standards for use of ethyl acetate and other food additives shall be revised in accordance with the “Guidelines for designation of food additives and revision of use standards.” If those who hope for revisions make relevant requests to the Minister of Health, Labour and Welfare in line with the guidelines, the ministry is to take appropriate measures.	Regarding revisions to the standards for use of food additives, if those who hope for revisions make relevant requests to the Minister of Health, Labour and Welfare in line with the “Guidelines for designation of food additives and revision of use standards,” the ministry is to take appropriate measures. However, no requests have been made for this case.	D	
Time when private companies participate in appointed inspection organizations, and disclosure of the (01639)	MHLW +	As for plastic tableware, etc., no inspection order has been issued up to now, and self-inspection on the part of the importers, etc. is adequate. For self-inspection, testing organizations are not limited to the designated testing organizations.	As stated in corresponding policy.	Ca	a

<p>“Specifications and Standards for Food and Food Additives, etc.” to public testing organizations in exporting countries</p>	<p>MHLW +</p>	<p>As for inspection, the inspection of the necessary standard items is to be entrusted to the testing organization concerned, so the ministry recommends that the complainant use the exporting country public testing organization system after confirming the necessary standard items. The ministry aims to increase convenience by introducing each standard item indicated in the Specifications and Standards for Food and Food Additives, etc. on its English Web site, etc.</p>	<p>The ministry introduced the English version of the Specifications and Standards for Food and Food Additives, etc., which is placed on JETRO’s Web site dated July 13, 2001, to the embassies of 59 countries, as well as created a link to the Web site of Imported Foods Inspection Services of the Ministry of Health, Labour and Welfare. The ministry has been trying to provide information through these efforts.</p>	<p>Ca</p>	<p>a</p>
<p>Making the interpretation of the revised JAS Law known to those concerned (01641)</p>	<p>MAFF +</p>	<p>Since agricultural products to which “organic” labels were attached before March 31, 2001 and agricultural products with an “organic” label that were purchased from importers before the said date are not subject to the regulations on labeling under the JAS Law, it is possible to say that they are “not subject to the regulations” or that they “have obtained certification from an overseas certification organization for organic products.”</p>	<p>As stated in corresponding policy.</p>	<p>Ca</p>	<p>a</p>
<p>Expansion of the temporary measures applied to accredited processors to accredited subdividers (01642)</p>	<p>MAFF</p>	<p>According to Article 15-6 of the JAS Law, subdividers may not, after subdividing, put an organic JAS mark or an “organic” label on agricultural materials that have no organic JAS mark attached before subdividing.</p>	<p>As stated in corresponding policy. The relevant temporary measures were terminated on March 31, 2002.</p>	<p>D</p>	
<p>Utilization of the newly introduced Registered Foreign Certification Organization system (the JAS Law) (01643)</p>	<p>MAFF</p>	<p>(Transferred to the problem-raising process of FY 2001)</p>	<p>See the column of the problem-raising process (decisions made by the Office of Market Access).</p>	<p>-</p>	<p>-</p>

2. Related to pharmaceuticals, medical devices and cosmetics

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Approval of new ingredients (97553) for nail polish	MHLW	Since a new ingredient, naphthopyran, is not included in the Comprehensive Licensing Standards of Cosmetics by Category, the relevant importers must file an application for the approval by category while attaching safety data (related documentation is acceptable). Applications are filed through prefectural offices and examined by the Ministry of Health, Labour and Welfare.	As for cosmetics, the approval system was abolished in principle in April 2001, and it has become possible to combine new ingredients based on companies' self-responsibility within the scope of the regulations. In terms of adding new antiseptic, etc. on the positive list, the ministry determines whether it is appropriate to add it to the list after receiving the data submitted by the relevant applicant and evaluating its safety.	Cc	*
Promotion of deregulation (98564) regarding cosmetics (hair dyes)	MHLW	With respect to synthetic tar used in cosmetics, etc., the tar pigments that can be used in these products is prescribed by ministerial ordinance, in order to prevent harm and ensure the safety of consumers. In cases where new tar pigments not included in the ministerial ordinance are contained in products, it is necessary to judge the appropriateness of using such substances by evaluating their safety based on the submitted data and to add the pigments to the ministerial ordinance.	If any manufacturers (importers) submit data on the relevant tar pigments, the ministry will evaluate their safety and assess the appropriateness of using them.	Cc	
Change in labeling method (98578) for cosmetics	MHLW	For reasons of public health, it is not possible to sell cosmetics without showing the name, etc. of the licensed manufacturer (importer) on the immediate package. On the other hand, the ministry is examining the requirements of testing facilities and technical directors as well as the scope of entrusted	The ministry determined that it would allow technical directors to take charge of two or more in-house areas on certain conditions	D	*

		manufacturing, in conjunction with an overall review of the regulations on cosmetics.	(March 2001). In addition, the current revision of the Pharmaceutical Affairs Law will enable the entire manufacturing act to be entrusted (scheduled to be enforced in FY 2005).		
Speeding up examination (99586) procedures for approval of contact lenses	MHLW +	The ministry asked the complainant to provide raw data obtained by tests already performed, in order to sufficiently confirm safety. This is not an arbitrary request. As a result of safety evaluation on the basis of the submitted data, it was concluded that there were no problems with granting approval, so the relevant contact lenses were approved on February 7, 1999.	The relevant contact lenses were approved on February 7, 1999 as stated in corresponding policy.	A	a
International harmonization (99587) of testing methods for contact lenses	MHLW +	Sensitivity testing methods for contact lenses are currently being discussed at the ISO. Biological testing methods for medical devices are currently set out in the guidelines, but since the details of specific testing methods and their implementation are not necessarily clear, the guidelines will be clarified and reviewed as necessary.	The ministry had been studying the review of the Guidelines for Biological Testing of Medical Devices using the Health and Labour Sciences Research Grants since FY 2001 and compiled a draft revision. The ministry is now inviting public comments.	A	b
Approval of color contact (00606) lenses	MHLW +	The ministry has determined that the contact lenses in question may be approved for use not only in conditioning the appearance of patients who have problems with the appearance of their eyes but in also improving the sight of normal eyes as long as they are sold in an appropriate manner. Approval is expected to be given shortly.	The contact lenses in question were approved on July 21, 2000 as stated in the corresponding policy.	A	a
Relaxation of regulations on (00615) import approval and item change approval for medical instruments	MHLW +	As soon as import approval is given, applicants are allowed to conduct marketing activities, including advertisement and participation in biddings. Incidentally, the mutual recognition agreement involves government-to-government negotiations between Japan and the European Commission. So the ministry takes the complaint	As stated in the corresponding policy.	Ca	a

		as a mere request.			
Relaxation of regulations on (00616) in-vitro diagnostics	MHLW +	Through the revision of the Pharmaceutical Affairs Law in the current Diet session (154th), the requirement of approval is to be eliminated for in-vitro diagnostics that measure items of which diagnostic information is considered relatively low-risk and of which self-check is easy since there is a standard substance for calibration. Others are to be approved by a third party. Only in-vitro diagnostics to measure a new item or an item of which diagnostic information is at relatively high risk are to fall under the approval system.	In the Law to Amend Part of the Pharmaceutical Affairs Law promulgated in July 2002, in-vitro diagnostics were classified into types according to the degree of risk of diagnostic information, and the approval system was reviewed based on the characteristics of relevant types. The ministry is now considering necessary standards, etc. while listening to the opinions of relevant organizations.	A	b
Review of medical contents (01636) classification (L-carnitine)	MHLW	Regarding the “list of essential contents (raw materials) exclusively used as a form of medical supply,” it has been determined that additions, corrections and deletions will be made based on scientific verification such as new knowledge on safety, etc. Therefore, the safety of L-carnitine, etc. will be considered when data based on scientific verification is submitted.	As stated in corresponding policy.	D	
Prompt processing of an (01644) application for import approval of a quasi-drug that contains an existing ingredient as a new effective ingredient	MHLW	The examination of the product in question has been taking more time than expected since there were matters that were not clear in the submitted documents and careful considerations were required to make a judgment. However, the ministry solemnly admits the fact that it has taken more time than the standard processing time, and intends to judge the appropriateness of approval. Incidentally, since examination periods vary according to individual applications, the periods cannot be flatly determined.	As for the product in question, the Subcommittee on Cosmetics and Quasi-Drugs concluded, on July 5, 2002, that there would be no problem in approving the product in question. This was reported to the Working Group on Pharmaceutical Affairs on September 13, 2002. The office procedures for approval are now under way.	D	

3. Related to manufacturing

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Relaxation of regulation (98574) concerning watches and watch parts painted with radioisotope tritium	MEXT +	In terms of tritium used as luminous paint in watches, the United States and European countries set the amount exempted from the regulations higher according to the ISO standards. The Radiation Council is now considering the technical safety of tritium used in watches, and the necessary revisions of the regulation system are to be made based on the results of the consideration.	The Working Group on Isotopes of the Radiation Council reported that there is no problem with relaxing the regulations under the Law concerning Prevention from Radiation Hazards due to Radioisotopes, etc. for tritium used in luminous watches, which satisfy standards stipulated by the ISO. The former Science and Technology Agency relaxed the regulations in question by revising the notification establishing the quantity of radioisotopes that emit radiation on October 30, 1998.	A	a
Acceptance of pressurized (99589) fuel supply apparatus for LP gas-powered automobiles	METI +	(1) The ministry clarified that pressurized injection in the fuel supply apparatus for LP gas-powered automobiles was not considered “production of high pressure gas” under the High Pressure Gas Safety Law from October 1, 1999 onward, and made it possible to operate automobiles fitted with the fuel injection apparatus anywhere in Japan without obtaining a permit from prefectural governors. (2) The ministry is currently collecting technical information on the UN “ECE R67” for this doughnut-shaped fuel tank (container), and it is not possible to indicate exactly what the differences are between the ECE R67 and domestic standards.	As a result of examining about (2), it was found that containers satisfying the “ECE R67” do not always satisfy the domestic standards; therefore, the ministry concluded that it was not possible to omit domestic tests on the ground of the satisfaction of the ECE R67.	A	b
Acceptance of the European (99593) regulations into the safety regulations for imported	MLIT +	In accordance with the “ministerial ordinance partially modifying safety regulations, etc. for road vehicles” (Ministry of Transport Ordinance	As stated in corresponding policy.	A	a

automobiles		No. 5 of 2000), the ministry adopted new procedures that do not require the destructive testing of actual vehicles in relation to regulations for preventing fuel leaks in the case of collisions, etc. on February 21, 2000.			
Simplification of handling of parallel-imported automobiles (99594)	MLIT +	The “Handling of details of instructions for handling parallel-imported automobiles” (No. 62 of the Engineering and Safety Department, Road Transport Bureau on March 31, 1997) was partially amended on June 22, 1999, and if automobiles are confirmed as meeting criteria as a result of testing provided in the technical standards at foreign testing organizations designated by the Ministry of Transport, test results issued by the said testing organizations are to be handled as “documents certifying conformity with the safety regulations.”	As stated in corresponding policy.	A	a
Acceptance of European regulations into the safety regulations for imported automobiles (99595)	MLIT +	In accordance with the “ministerial ordinance partially modifying safety regulations, etc. for road vehicles” (Ministry of Transport Ordinance No. 5 of 2000), the ministry adopted new procedures that do not require the destructive testing of actual vehicles in relation to regulations for preventing fuel leaks in the case of collisions, etc. on February 21, 2000.	As stated in corresponding policy.	A	a
Simplification of handling of parallel-imported automobiles (99596)	MLIT +	The “Handling of details of instructions for handling parallel-imported automobiles” (No. 62 of the Engineering and Safety Department, Road Transport Bureau on March 31, 1997) was partially amended on June 22, 1999, and if automobiles are confirmed as meeting criteria as a result of testing provided in the technical standards at foreign testing organizations designated by the Ministry of Transport, test results issued by the said testing organizations are	As stated in corresponding policy.	A	a

		to be handled as “documents certifying conformity with the safety regulations.			
Acceptance of European (99598) regulations into the safety regulations for imported automobiles	MLIT +	In accordance with the “ministerial ordinance partially modifying safety regulations, etc. for road vehicles” (Ministry of Transport Ordinance No. 5 of 2000), the ministry adopted new procedures that do not require the destructive testing of actual vehicles in relation to regulations for preventing fuel leaks in the case of collisions, etc. on February 21, 2000.	As stated in corresponding policy.	A	a
Simplification of handling of (99599) parallel-imported automobiles	MLIT +	The “Handling of details of instructions for handling parallel-imported automobiles” (No. 62 of the Engineering and Safety Department, Road Transport Bureau on March 31, 1997) was partially amended on June 22, 1999, and if automobiles are confirmed as meeting criteria as a result of testing provided in the technical standards at foreign testing organizations designated by the Ministry of Transport, test results issued by the said testing organizations are to be handled as “documents certifying conformity with the safety regulations.	As stated in corresponding policy.	A	a
Statutory clarification of the (99600) classification of three-wheeled vehicles with the basic structure of a two-wheeled vehicle	MLIT	As a result of considering the application of regulations for occupant protection in the case of a front-impact collision, it was determined that it was not realistic to apply the regulations in question to two-wheeled vehicles with a sidecar in which the rear wheel of the motorcycle portion of the vehicle has been moved to the outside. Accordingly, the ministry defined the vehicle in question as a two-wheeled vehicle with a sidecar, and tried to clarify the application of the regulations.	As stated in corresponding policy.	Cc	
Acceptance of foreign test (99601)	MLIT	If “test result certificates” issued by foreign	As stated in the corresponding policy.	D	

data concerning braking on imported two-wheeled vehicles		testing organizations designated by the Ministry of Transport are available, these certificates may be used for vehicles with the same structure as those that were tested, making domestic braking tests unnecessary.			
Review of the “qualitative standards and testing methods of wood preservatives” (JIS K 1571) (01640)	METI	The ministry will consider reviewing the Japanese Industrial Standards related to wood preservatives, including the standard in question, in the next fiscal year, because the ISO has reached an agreement on environmental classifications (hazard classes) and JIS K1571 will reach its term for reviewing in 2003.	The First Draft Preparation Committee (Japan Wood Preserving Association) was held on June 27, 2002, and it has been considering adding not only conventional pressurized injection preservatives but also a finishing agent (including borate salt) into K1570 and K1571.	Cc	*

4. Related to transportation and traffic

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Clarification of reason for regulations concerning containers for overland transport of liquid chemicals (alkyl lithium) and relaxation of regulations (92491)	MPHPT +	The former Fire and Disaster Management Agency undertook a study of regulatory conditions in Germany, the U.K. and the United States, and amended the ministerial ordinances and notifications concerning the regulations on hazardous material on March 30, 1999, raising the maximum capacity of transport containers for alkyl lithium to 450 liters. As a result of this change, it is now possible to use the containers in question for overland transport in Japan (implemented on April 1, 1999).	As stated in corresponding policy.	A	a
Concerning deregulation of transportation of hazardous materials (96548)	MPHPT +	In order to facilitate the smooth distribution in Japan of tank containers whose safety has been confirmed abroad and which are used internationally, the following measures are to be	Measures were taken by the Ministerial Ordinance to Amend Part of the Rules for Regulations on Hazardous Materials (Ministry of Public Management, Home	A	a

		taken within FY 2000: (1) to simplify required documentation by taking advantage of certificates indicating that the tank containers in question meet the IMDG codes; (2) to conduct complete inspection promptly after the unloading of tank containers; (3) to simplify inspection by confirming safety on the occasion of the complete inspection through confirmation of stickers and other indications of compliance with the IMDG codes; and (4) to implement required amendments to relevant procedures.	Affairs, Posts and Telecommunications Ordinance No. 45 of 2001).		
Deregulation concerning motorcycles (98566)	NPA	Since it is difficult to lift restrictions on tandem riding as it is, the Market Access Ombudsman Council made the following OTO decisions: (1) to promote public relations and education activities for improving driving, etc. and strengthen the crackdown against dangerous driving; and (2) to conduct surveys on motorcycles use, etc. and obtain the results by the end of 2000.	Measures have been taken. The survey results were published on the OTO Website in January 2001.	D	
	NPA +	The Cabinet Ordinance (Ordinance No. 393 of 2000), which revises part of the Enforcement Order of the Road Traffic Law to raise the maximum speed limit for motorcycles on national expressways to 100 km/h, was put in force on October 1, 2000.	Measures have been taken.	A	a
Relaxing regulations on obtainment of towing licenses (98569)	NPA +	On June 1, 2002, the agency enforced the enforcement regulations (Cabinet Order No. 34 of 2002), which revises the part of the Enforcement Regulations of the Road Traffic Law to establish a new towing license system that is confined to compact trailers weighing more than 750 kg but less than 2 tons.	Measures have been taken.	A	a
Extension of roads on which (98575)	MLIT +	(1) The ministry added about 700 km of roads,	The ministry has tried to consecutively	A	a

trailers transporting ISO-standard containers for sea transport can pass		mainly roads to access major ports, etc. to the list of designated roads on December 15, 1998, and the network of designated roads expanded to a total of approximately 33,200 km. (2) Concurrently, regarding undesignated roads connected to expressways and designated roads for which the road administrators have determined that there is no problem with road maintenance and prevention of traffic danger, the ministry determined that such roads would be administered in the same way as designated roads in terms of transit permits for special vehicles. The ministry thus tried to speed up responses to needs for the transit of large vehicles.	expand designated roads, focusing on main highways connecting distribution centers, and approximately 47,000 km (including approximately 7,000 km of national expressways) have been developed as of April 2002. As a result, it is now possible to pass almost all general national roads (national roads under direct jurisdiction, etc.) that connect ports and other distribution centers.		
Simplification of inspection (98576) of foreign-made gas tank containers	METI	For convenience concerning imported containers, Japan does not conduct destructive testing and accepts test data based on the standards of the United States, Germany, the United Kingdom, France and Australia. Since only domestic testing organizations can ensure the legal binding force based on the order to conform to technical standards, etc., it is not possible to give foreign classification societies the status of third-party testing organizations and authorize them to test.	As stated in corresponding policy.	Cc	
Review of standards for tank containers for overland transportation of alkyl aluminum (99597)	MPHPT +	In order to facilitate the smooth distribution in Japan of tank containers whose safety has been confirmed abroad and which are used internationally, the ministry plans to revise the relevant ordinances in order to make it possible to use tank containers with a capacity of 1,900 liters or more for transporting alkyl aluminum if such containers have been confirmed as conforming to the IMDG-Code.	Measures were taken by the Ministerial Ordinance to Amend Part of the Rules for Regulations on Hazardous Materials (Ministry of Public Management, Home Affairs, Posts and Telecommunications Ordinance No. 45 of 2001).	A	a
Classification of foreign modified vehicles for (00605)	MLIT	The decision as to whether a vehicle falls under those for special use shall be made based on	The ministry established the specific structural requirements for vehicles for	D	

wheelchair use into vehicles for special use		whether the inside area (excluding the driver's seat (including front passenger seats)) used for special equipment is larger than the inside area for other purposes.	special use on April 6, 2001 and started its application in October 2001.		
Expansion of the special (00607) measure concerning certificates for storage space for motor homes	NPA	The complainant's request for recognizing a location more than 2 km away as storage location on the condition of storing the motor home on his own responsibility can involve any type of vehicle. The distance requirements are determined on the basis of the conditions of storage location in urban regions and the concept that the owners can regularly walk between home and the storage location. It is not appropriate to review the special measure.	As stated in corresponding policy.	D	
Clarification of classification (00608) of Russian two-wheeled vehicles with a two-wheel-drive sidecar	NPA +	Since the two-wheeled vehicle in question is categorized as an ordinary vehicle, those who have an ordinary driver's license or a driver's license for large vehicles can drive it. The agency is to notify this in writing.	Measures have been taken. The directive was issued on August 18, 2000.	A	a
Driving of special South (00612) Korean vehicles in Japan	MLIT	The ministry forwarded the following replies at the 18th OTO Grievance Resolution Committee: (1) The institutional guarantee of conformity to safety and environmental standards is required; (2) It is impossible to revise the law without any international agreements; (3) It is possible to consider a mechanism in which the staff goes down to the Shimonoseki Port and conducts inspection and registration there.	As stated in corresponding policy.	Cc	
Simplification of procedures (00613) for switching from foreign driver's licenses to domestic ones	NPA	In order to support the adequacy of the standards for determining countries subject to exemption, the responsible agency shall collect the relevant data and conduct research. In conducting the research, both countries shall hold study sessions and sufficiently examine research matters.	In September 2002, the agency held a study session on driver's licenses in both countries in cooperation with the responsible managers of the Korean National Police Agency, etc., and exchanged information.	Cc	

Relaxation of requirements (00637) for motors for battery-assisted bicycles	NPA	The Chinese electric bicycle in question falls under a motorbike since it is not considered to be one “for assisting human power” and its structure and driving methods are those of a motorbike.	As stated in corresponding policy.	D	
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5. Related to construction

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Relaxing of strength standards for laminated glass for construction (98571)	MLIT +	The ministry is to substantially relax the strength standards for laminated glass by changing the calculation method for wind resistance standards for laminated glass from one based on the thickness of the thinner glass pane to one based on the nominal thickness.	The ministry revised the calculation method to one that adopts the total thickness of all constituent glass panes with paragraph 1 (2) of the Ministry of Construction Notification No. 1458 of 2000.	A	a
Relaxation of the obligation of permanent attendance and qualification requirements for managing engineers (00627)	MLIT	Foreign qualified engineers willing to become managing engineers in Japan must be identified by the Minister of Land, Infrastructure and Transport as those who are as capable as or more capable than first-class qualified managing engineers. The requirements for lower-ranked qualified engineers in South Korea cannot be considered equal to or higher than those for first-class qualified managing engineers in Japan.	As stated in corresponding policy.	D	

6. Related to information and communications

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Review of regulation of (98570)	MPHPT +	Regarding non-electrode lamps, based on the	The ministry enforced the Ministerial	A	a

high-frequency radio wave for non-electrode lamps		complainant's request, the ministry shall promote the revision of the ministerial ordinances and other necessary procedures for drawing up the technical standards that serve as a base for type, and will study shifting from the current individual permits to the type approval.	Ordinance to Amend Part of the Enforcement Regulations of the Radio Law on July 28, 1999, and made individual installation permits unnecessary for non-electrode lamps of which type has been designated.		
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7. Related to import procedures

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Customhouse's approval of (97560) materials (books of photographs, videos) harmful to public morals	MOF	Judgments are made by the Customhouse based on the judicial precedents and the results of examination by the Customs Complaint Review Committee, taking the current social conditions into consideration. Those who are dissatisfied with a notice from the Director General of the Customhouse may file a complaint.	As stated in corresponding policy.	D	
Tariff classification of (98565) carpeting for use in automobiles	MOF	Since the product in question is in a rolled form, it cannot be realistically judged to be "of specific size and shape suitable for automobiles." Therefore, customs free is not applicable to it.	As stated in corresponding policy.	D	
Clarification of tariff (98577) classification for sugar content under Class 20 in the Customs Tariff Schedule	MOF +	Prepared vegetables and fruits, etc. (Class 20) are classified not under "1. Contains added sugar" but under "2. Others" if their sugar content is less than 2%, and the amount is considered natural for vegetable and seasoning content.	As stated in corresponding policy.	A	a
Simplification of import (98579) procedures for articles processed under license	MOF +	The submission of marking sheets, etc. is required in order to ascertain the necessary length of the cloth (the amount of cloth used in manufacturing one garment). Therefore, their submission is not necessary if the necessary	As stated in corresponding policy.	Ca	a

		length of the cloth can be confirmed. In case of importing products in parts under the same contract, it is not necessary to submit marking sheets, etc. for every import if the necessary length of the cloth could be ascertained at the first import.			
Elimination of (98580) “memorandum” needed when reloading processed/repaired products	MOF +	It is necessary to attach a “document certifying that the product is being exported for processing or repair,” and it is in principle required to attach the relevant contract. When the contract cannot be submitted, documents proving the fact of repair, such as a correspondence with exporters, etc., are acceptable.	As stated in corresponding policy.	Ca	a
Simplification of import (98581) procedures for products made under patent	MOF	If imported cargoes are suspected of infringing intellectual property rights, the importers and right holders are required to submit documents concerning the cargo in question. Therefore, the submission of the relevant documents is not necessarily required. If the infringement of such rights is suspected, the importers and right holders are requested to submit documents even if the product imported is the same.	As stated in corresponding policy.	Cc	
Speeding up of procedures (98582) relating to certification of designs and other intellectual property rights	MOF	The customhouses aim to complete the certification procedures of whether the cargo in question infringes intellectual property rights, and have been making efforts to complete the procedures as quickly as possible. When the procedures take longer than one month, the customhouse explains the reasons.	As stated in corresponding policy.	Cc	
Clarification of standards (99604) whereby cordless nailers are classified as ‘firearms’ under the Firearms and Swords Control Law and exemption	NPA	The following are requirements of firearms: (1) being equipped with a mechanism for firing metal projectiles (including nails), and (2) having enough force to harm people and animals. As for nailers, whether they are classified as firearms is	As stated in corresponding policy.	D	

from uniform classification under the said standards		determined on the basis of clear standards from the viewpoint of preventing harm.			
Review of customs tariff (00609) classification for food in airtight containers using new materials (technologies)	MOF	The container in question cannot be considered an airtight container for the lack of data submitted and for other reasons. The ministry revised the directive on June 20, 2001, and made public the numeric criteria for airtight containers citing the Food Sanitation Law and the JAS.	As stated in corresponding policy.	Cc	
Review of cost burden for (00610) import customs inspection and clarification of standards for deciding the necessity of inspection	MOF	The inspection is conducted for the adequate collection of customs duty and prevention of importing socially undesirable items. For getting import permits, importers are required to transport imported cargoes to inspection sites at their own expense and receive necessary inspections. Cargoes that must be inspected are decided through comprehensive consideration utilizing computers, etc. on the basis of matters declared.	As stated in corresponding policy. For the purpose of promoting efficient inspection, large X-ray inspection equipment was introduced at Yokohama Port in February 2001, at Kobe Port and Osaka Port in March 2002, and is to be introduced at Tokyo Port, Nagoya Port and Hakata Port by the end of FY 2002.	D	
Introduction of X-ray (00617) inspection machines for inspecting all products in container	MOF+	Large X-ray inspection equipment, which can inspect the whole container at once, is scheduled to be introduced into the Yokohama Port by the end of FY 2000. The budgetary measures have been taken for the introduction of X-ray inspection equipment into the Kobe and Osaka Customs in the supplementary budget for FY 2000.	For the purpose of promoting the efficient inspection, large X-ray inspection equipment was introduced at Yokohama Port in February 2001, at Kobe Port and Osaka Port in March 2002, and is to be introduced at Tokyo Port, Nagoya Port and Hakata Port by the end of FY 2002.	Ca	a
Treatment of replies under (00618) the prior notification system and simplification of contents to be described	MOF	In the case of verbal replies, inquirers have no information on goods subject to the prior notification and the replies, which can be submitted at the time of import clearance. Therefore it is difficult to give verbal replies the same effect as written replies. For goods of which manufacturing methods must be confirmed, the description of the methods cannot be eliminated	As stated in corresponding policy.	D	

		for the reason that they are unknown.		
Extension of validity and treatment of country-of-origin certificates (00619)	MOF	It is necessary to confirm imported cargoes at the customhouse of the country of origin for each export in order to specify manufacturing in the exporting countries. Therefore, a single certificate cannot be used for multiple export shipments. Since it is impossible to imagine it taking more than a year for cargoes to reach Japan, it is reasonable to fix the period of validity up to one year after the issuance date.	As stated in corresponding policy.	D
Flexible management of the pre-permission delivery system for products subject to tariff quotas (00620)	MOF MAFF	Applicable tariffs are those applicable not at the time of import permission but on the date of import declaration. If importers make declarations in the first half of the fiscal year after using all assigned import quotas, the secondary tariffs (higher tariffs) are applicable even if import permits are given in the second half after import quotas are assigned.	As stated in corresponding policy.	D
Flexible management of NACCS procedures for export and import declarations (00628)	MOF	Should the system go down, declarations will be received by documentation. However, it is not appropriate to set up differences between NACCS users and nonusers. Therefore, even in cases where one is forced to make a declaration out of office hours, it is necessary for the one concerned to file an application for temporary customs procedures.	As stated in corresponding policy.	D
Ex post submission of country-of-origin certificates (00629)	MOF	In order to confirm whether preferential tariffs can be applied to the declared cargo, the submission of country-of-origin certificates cannot be omitted unless the Director-General of the Customhouse has approved the absence of a country-of-origin certificate due to disaster or other inevitable reasons. The submission of the certificate is not necessary for products that the	As stated in corresponding policy.	D

		Director-General of the Customhouse has recognized as their countries of origin can be clearly identified by checking their types and shapes (218 items on a four-digit HS Code basis).			
Improvement of the (00630) designation of cargo subject to the simplified declaration system	MOF	Importers cannot be considered to be experienced in importing the cargoes in question unless “24 or more import permits have been issued in the past year.”	As stated in corresponding policy. Incidentally, since one and a half years have passed since the introduction of the system, the ministry has been considering various aspects of the current system on the basis of implementation conditions of the system.	D	
Clarification of the criteria (01645) for judging approval for the possession of a shotgun	NPA	The possession of a shotgun is permitted for those who intend to possess it “for use.” There has to be a socially acceptable relationship between the possessed gun and its uses. The shotgun in question has the function of shooting rifle bullets, and its structure and functions are not in compliance with the uses, therefore, its possession cannot be permitted.	As stated in corresponding policy.	D	

8. Other

Name of complaint (No.)	Responsible ministries and agencies	Decisions made by the Office of Market Access/corresponding policy	Actual conditions		
Shortening the examination (97556) period for swimming pool purifying systems	MHLW +	As far as sanitation and technology are concerned, there are basically no problems with using the swimming pool purifying system in question, which was newly developed by an Australian firm. However, it is desired to measure the concentration of chlorous acid according to the directive at the time of use.	As stated in corresponding policy.	A	a
Improvement of (97558) procurement procedures for	MPHPT +	The “Cabinet Ordinance to Amend Part of the Enforcement Order of the Local Autonomy Law”	The “Cabinet Ordinance to Amend Part of the Enforcement Order of the Local Autonomy	A	a

public hospitals under the jurisdiction of the prefectures and ordinance-designated cities		was decided by the Cabinet (on February 12, 1999) to make it possible to introduce a comprehensive evaluation system by local governments.	Law” was enforced (on February 17, 1999). The ordinance made it possible to introduce a comprehensive evaluation system by local governments.		
Clarification of standards (97561) for supplying non-standard prosthetic appliances for the disabled	MHLW	Specialists at the prefectural consultation centers for rehabilitation of the disabled judge the need for non-standard prosthetic appliances in each case, taking the conditions of the disabled person into consideration. The ministry considers it inappropriate to clarify the standards, as that could lead to the establishment of uniform standards and thus make it difficult to make flexible responses.	As for prosthetic appliances, it is most important that they match the physical conditions of the disabled. Since the physical conditions of the disabled subject to grants for non-standard prosthetic appliances are considered to be varied, it is not appropriate for the government to indicate the uniform standards for determining the supply of grants.	Cc	
Diversification of business (98568) licenses for the sale of explosives for model rocket engines, etc.	METI +	The ministry notified the prefectures that in cases when sellers sell only secondary products using a small quantity of explosives and they have sufficient storage to store the products returned due to defects, they are allowed by exception to store explosives up to the amount specified in the Enforcement Regulations of the Explosives Control Law.	As stated in corresponding policy.	A	a
Abolition of standards for (98572) medical models in the guidance standards for medical training facilities	MHLW +	The ministry amended the guidance standards for physical therapists and occupational therapists on March 31, 1999 and those for other training facilities on August 2, 1999, removing the provisions for the number of units for dismantling concerning medical models.	As stated in corresponding policy.	A	a
Review of landing (98584) examination criteria	MOJ +	Under the criteria for “Investor/Business Manager” status of residence, even without employing two locally based people, those who make an investment “in such scale” as employing two locally based people are allowed to land under the “Investor/Business Manager” status of residence. In order to clarify the scale, the	In December 2000, the guidelines for cases without employing two full-time employees were set as “the amount invested in starting new business is ¥5 million or more a year.”	A	a

		ministry is to prepare rational examination guidelines for cases without employing two employees by the end of 2000.			
Relaxing regulations (99590) pertaining to permit for acquiring and consuming model rockets	METI	Considering that there is currently no information on the detailed specifications of the large model rockets, it is not possible, from the viewpoint of preventing disasters due to explosives, to eliminate the requirement for consumption permits in accordance with the proviso to Article 25, paragraph 1 of the Explosives Control Law.	As stated in corresponding policy.	D	
Changes in timing for (99591) import license application for model rockets under the Explosives Control Law	METI +	Interpretations as follows were given through “Concerning Interpretations of Article 24 (Import) of the Explosives Control Law” (addressed to prefectural governors dated December 5, 2000): (1) The validity period of an import permit can be set as a certain period, including a future date scheduled for unloading (e.g. one month before and after the scheduled unloading date); (2) In applying for import permits, it is possible to describe applications for multiple unloadings in a single application and submit it.	As stated in corresponding policy.	A	a
Abolition of import licenses (99592) and import notification system for model rockets for which import quotas are required	METI	Since the act of importing constitutes increasing the amount of new explosives present in Japan, the regulations under the Explosives Control Law, which consist of prior permit and actual notification, are essential from the viewpoint of preventing disasters and maintaining public safety.	As stated in corresponding policy.	D	
Establishment of (99603) performance standards for standard specifications of the Japan Sewage Works Agency	MLIT +	It was found that single-shaft screw pumps for sludge with a structure in which a cover to prevent twining is attached to the flexible shafts have little chance to cause clogging due to screen debris or hairs catching in the shafts.	As stated in corresponding policy.	A	a

		Accordingly, the standard specifications for machinery issued by the Japan Sewage Works Agency were revised in July 2000 to add single-shaft screw pumps in such form to the specifications.			
Elimination of the requirement for the bidding specifications of powdered activated charcoal for water purification to only be for domestic products (00611)	MHLW + MPHPT	The Ministry of Health, Labour and Welfare told the local government in question that foreign powdered activated charcoal can be used for water purification if it meets the performance standards as provided in the ministerial ordinance for technical standards of water supply facilities. In response to this, the local government in question eliminated the requirement of limiting it to domestic products. Local governments independently prepare specifications for their biddings in their own power and within their responsibilities. Unless such procedure is identified as illegal, it is not appropriate for the Ministry of Public Management, Home Affairs, Posts and Telecommunications to advise the local government in question to eliminate the requirement limiting to domestic products.	As stated in corresponding policy.	A	a