

**Act on the Prevention of Adverse Ecological Impacts Caused by Designated
Invasive Alien Species**
(Act No. 78 of June 2, 2004)

Last amended by Act No. 69 of June 13, 2014

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Chapter I General Provisions

(Purpose)

Article 1

This Act shall have the purpose of preventing adverse ecological impacts caused by designated invasive alien species through regulating raising, growing, storing, carrying (hereinafter “raising”), importing, and other handling of designated invasive alien species and through taking measures such as the control of designated invasive alien species by the national government and other entities, with the aim to help stabilize and improve national life through contributions to conservation of biodiversity, human safety and sound development of agriculture, forestry and fisheries.

(Definition)

Article 2

- (1) In this Act, “designated invasive alien species” shall mean individuals (including eggs, seeds and others designated by Cabinet Order; limited to living ones) and their organs (limited to those which require measures such as regulations on raising for preventing adverse ecological impacts to be taken under this Act and which are designated by Cabinet Order; limited to living ones) that are designated by Cabinet Order to exist outside their original habitats as a result of introduction from overseas into our country (including those generated as the result of hybridization of such individuals; hereinafter “alien species”) and that are to cause or likely to cause adverse ecological impacts because of their different properties from organisms having original habitats in Japan (hereinafter “native species”).
- (2) In this Act “adverse ecological impacts” shall mean adverse impacts on ecosystem, human safety, or agriculture, forestry and fisheries.
- (3) When the competent ministers make a plan in enacting, amending or abolishing Cabinet Order of paragraph (1), the ministers shall consult academic experts on properties of living organisms.

(Basic Policy for Preventing Adverse Ecological Impacts Caused by Designated Invasive Alien Species)

Article 3

- (1) The competent ministers shall prepare a draft of a basic policy for preventing adverse ecological impacts caused by designated invasive alien species upon consultation with the Central Environment Council and ask for a cabinet decision on it.
- (2) The basic policy in the preceding paragraph (hereinafter “basic policy”) shall specify the following matters:
 - (i) the basic framework concerning the prevention of adverse ecological impacts caused by designated invasive alien species;
 - (ii) principles concerning the selection of designated invasive alien species;
 - (iii) principles concerning the handling of designated invasive alien species;
 - (iv) principles concerning the control of designated invasive alien species by the national government and other entities;

- (v) in addition to those mentioned in the preceding items, important matters concerning the prevention of adverse ecological impacts caused by designated invasive alien species.
- (3) The competent ministers shall announce it officially without delay, when the cabinet decision on the basic policy under paragraph (1) is made.
- (4) The provisions of paragraph (1) and the preceding paragraph shall apply *mutatis mutandis* to a change of the basic policy.

Chapter II Regulations on Handling of Designated Invasive Alien Species

(Prohibition of Raising)

Article 4

Raising of designated invasive alien species shall not be allowed; provided, however, that this shall not apply to the following cases:

- (i) when the permission of the following Article, paragraph (1) is obtained and raising in connection with the permission is performed;
- (ii) when capture and other treatment for control under the following Chapter, or there is an unavoidable reason specified by Ministerial Ordinance.

(Permission for Raising)

Article 5

- (1) A person who wishes to perform raising of designated invasive alien species for the purpose of academic research or the purposes specified by Ministerial Ordinance shall obtain permission from the competent ministers.
- (2) A person who wishes to obtain permission in the preceding paragraph shall submit an application for permission to the competent ministers as specified by Ministerial Ordinance.
- (3) The competent ministers shall not grant permission in paragraph (1) when there is a reason that falls under any of the following items regarding the raising in connection with the application in the preceding paragraph:
 - (i) the purpose of the raising does not conform to one provided in paragraph (1);
 - (ii) a person who is to perform raising is recognized not to handle designated invasive alien species properly because the person does not have a facility for the raising which meets standards specified by Ministerial Ordinance in accordance with the properties of the concerned designated invasive alien species (hereinafter “specified raising facility”) or for some other reasons.
- (4) When granting permission in paragraph (1), if the competent ministers deem it necessary to prevent adverse ecological impacts due to designated invasive alien species, they may attach conditions to such permission, within the limits required.
- (5) A permittee in paragraph (1) shall, when performing raising in connection with that permission, inspect the specified raising facility for the concerned designated invasive alien species periodically, make it clear that the permission is granted for the concerned designated invasive alien species, and use other methods designated in Ministerial Ordinance.

Article 6

Deleted

(Prohibition of Import)

Article 7

Import of designated invasive alien species shall not be allowed; provided, however, that this shall not apply when a permittee under Article 5, paragraph (1) imports designated invasive alien species in connection with that permission.

(Prohibition of Transferring)

Article 8

Transfers, receipts of transfers, deliveries, or receipts of deliveries (hereinafter “transferring”) of designated invasive alien species shall not be allowed; provided, however, that this shall not apply when persons, who perform or intend to perform raising of designated invasive alien species in conformity with Article 4, item (i), transferring of the designated invasive alien species between them in connection with that raising, and to other cases provided by Ministerial Ordinance.

(Prohibition of Releasing)

Article 9

Releasing, planting, or sowing of designated invasive alien species for raising, importing, or transferring, implemented outside the specified raising facility for the concerned designated invasive alien species (hereinafter “releasing”) shall not be allowed; provided, however, that this shall not apply in the following cases:

- (i) when permission of the following Article, paragraph (1) is obtained and releasing in connection with that permission are performed;
- (ii) when releasing for control under the following Chapter.

(Permission for Releasing)

Article 9-2

- (1) A person who wishes to perform releasing of designated invasive alien species for the purpose of academic research to promote control under the following Chapter shall obtain permission from the competent ministers.
- (2) A person who wishes to obtain permission under the preceding paragraph shall submit an application to the competent ministers as designated by Ministerial Ordinance.
- (3) The competent ministers shall not grant permission under the preceding paragraph unless they find that the purpose of releasing in connection with the application under the preceding paragraph is consistent with the purpose provided in paragraph (1); and releasing complies with the standard that the concerned releasing is unlikely to expand the habitats of the concerned designated invasive alien species, and other standards designated by Ministerial Ordinance.
- (4) When the competent ministers grant permission under paragraph (1), they shall issue certificates of permission, as designated by Ministerial Ordinance.
- (5) A permittee under paragraph (1) shall carry the certificate of permission referred to in the preceding paragraph when undertaking the releasing in connection with that permission.
- (6) The provisions of Article 5, paragraph (4) shall apply *mutatis mutandis* to permission under paragraph (1).

(Order for Measures)

Article 9-3

- (1) If the competent ministers deem it necessary to prevent adverse ecological impacts due to designated invasive alien species, they may order within the limits required for such prevention, the person in violation of the conditions attached pursuant to the provisions of Article 4, Article 5, paragraph (5), Article 8 or Article 9, or the provisions of Article 5, paragraph (4) (including when it applies *mutatis mutandis* in paragraph (6) of the preceding Article) to halt the raising of the concerned designated invasive alien species, improve the method of raising of the concerned designated invasive alien species, collect the concerned designated invasive alien species which underwent releasing, and to take other necessary measures.
- (2) If a permittee under Article 5, paragraph (1) or paragraph (1) of the preceding Article violates the provisions of this Act, an order under this Act, or disposition under this Act, and adverse ecological impacts due to designated invasive alien species has occurred or likely to occur, the competent ministers may revoke such permission.

(Collection of Reports and On-site Inspection)

Article 10

- (1) Within the limits required for the enforcement of this Act, the competent ministers may request a permittee under Article 5, paragraph (1) or Article 9-2, paragraph (1) to submit reports on conditions of handling designated invasive alien species or on necessary matters.
- (2) Within the limits required for the enforcement of this Act, the competent ministers may authorize staff members to enter facilities for the raising of designated invasive alien species or areas regarding releasing, to inspect designated invasive alien species, documents and other property, or to question relevant persons.
- (3) The staff members in the preceding paragraph shall carry their identification and present it to relevant persons.
- (4) The authority under paragraph (2) shall not be construed as being permitted for the purpose of criminal investigation.

Chapter III Control of Designated Invasive Alien Species

(Control by the National Government)

Article 11

- (1) If adverse ecological impacts due to designated invasive alien species has occurred or likely to occur, and it is necessary to prevent occurrence of the concerned ecological impacts, the competent ministers and heads of the pertinent administrative organs of the national government (hereinafter “Competent Ministers”) shall conduct control pursuant to the provisions of this Chapter.
- (2) To execute the control under the preceding paragraph, the Competent Ministers shall, as designated by Ministerial Ordinance, specify the following matters and announce them officially in consultation with the prefectures concerned.
 - (i) the type of designated invasive alien species to be subjected to the control;
 - (ii) an area and a period for which the control is performed;
 - (iii) contents of the control such as capturing, collecting, or killing (hereinafter “capturing”) or releasing of sterilized designated invasive alien species for the

- purpose of control of the designated invasive alien species and other pertinent matters;
- (iv) in addition to those mentioned in the preceding items, matters specified by Ministerial Ordinance.

(Exception from the Wildlife Protection, Control, and Hunting Management Act)
Article 12

To the Capturing of designated invasive alien species subjected to control performed by the Competent Ministers under paragraph (1) of the preceding Article, the provisions of the Wildlife Protection, Control, and Hunting Management Act (Act No. 88 of 2002) shall not be applied.

(Entry into Land and other measures)
Article 13

- (1) Within the limits required for control under Article 11, paragraph (1), the competent ministers may authorize staff members to enter other persons' lands or water surfaces, to conduct capturing or releasing of designated invasive alien species, or to cut down trees and bamboos which interfere with capturing of designated invasive alien species.
- (2) In cases of authorizing the staff members to act under the preceding paragraph, the competent ministers, in advance, shall notify possessor of the lands or the water surfaces, or owners of the trees and bamboos to that effect, and give an opportunity to express their opinions.
- (3) The staff members in paragraph (1) shall carry their identification and present it to relevant persons.
- (4) When the competent ministers provide notification under paragraph (2), if the identity or whereabouts of the addressee are unknown, the competent ministers shall post the notification at the place of notification for the office of the municipality in which the location of the land, water surface, or trees or bamboos regarding such notification belongs, and publish the summary of such notification and the fact that its contents have been so posted, in its official gazette. In such cases, notification is deemed to have arrived at the addressee 14 days from the day on which such notification was first posted or from the date of publication in the official gazette, whichever is later.

(Compensation of Loss)
Article 14

- (1) To a person who suffers a loss as a result of an act under paragraph (1) of the preceding Article, the national government shall compensate for a loss that is to incur normally.
- (2) A person who wishes to be given compensation under the preceding paragraph needs to request it from the competent ministers.
- (3) The competent ministers shall, when a request under the preceding paragraph is received, decide the amount of compensation and inform it to the claimant.

(Filing of a Suit)
Article 15

- (1) A person who is dissatisfied with a decision made under paragraph (3) of the preceding Article may demand an increase of the amount to be given in compensation within six months from the date of the receipt of the notice.
- (2) With regard to the complaint under the preceding paragraph, the national government shall be the defendant.

(Liability of a Causer)

Article 16

When the control under Article 11, paragraph (1) needs to be executed, and a person has performed an act causing it, the national government may make the person bear the whole or part of expenses within the limits necessary to execute the control.

(Method of Collecting Expenses Imposed)

Article 17

- (1) When intending to make a person bear expenses pursuant to the provisions of the preceding Article, the competent ministers shall fix the amount of expenses intended to make the person bear (hereinafter “expenses imposed” in this Article) and the due date for their payment, and order the payment, as designated by Ministerial Ordinance.
- (2) When a person fails to pay expenses imposed by the due date under the preceding paragraph, the competent ministers shall urge the payment by issuing a written demand that fixes the due date for payment as specified by Ministerial Ordinance.
- (3) When the payment is urged under the preceding paragraph, the Competent Ministers may collect arrearages in an amount calculated by multiplying the expenses imposed by a rate not exceeding 14.5% per annum based on the number of days from the date following the due date for payment in paragraph (1) to the date of completion of the payment of the expenses imposed or to the date preceding the attachment of property for collecting the expenses imposed, as specified by Ministerial Ordinance.
- (4) When a person who is urged to pay under paragraph (2) does not pay the expenses imposed and the arrearages of the expenses imposed in the preceding paragraph (hereinafter “arrearages” in this Article) by the due date issued by the reminder in paragraph (2), the Competent Ministers may collect the expenses imposed and the arrearages in accordance with cases of disposition for failure to pay national taxes. In this case, the order of the preferential right on the expenses imposed and the arrearages shall come next to national taxes and local taxes.
- (5) The arrearages shall come prior to the expenses imposed.

(Control by Others than the Competent Ministers)

Article 18

- (1) On control of designated invasive alien species which is intended by a local public entity and conforms to matters announced officially pursuant to the provisions of Article 11, paragraph (2), the local public entity may obtain confirmation to that effect from the competent ministers, as designated by Ministerial Ordinance.
- (2) A person other than the government and local public entities may obtain the certification of competent ministers, as specified by Ministerial Ordinance, regarding control of designated invasive alien species planned by the person to the effect that the person is capable of performing it properly and reliably and that the

control conforms with matters announced officially pursuant to the provisions of Article 11, paragraph (2).

- (3) When giving confirmation under paragraph (1) or certification provided in the preceding paragraph, the competent ministers shall announce that effect officially as specified by Ministerial Ordinance. The same applies when these confirmation and certification are cancelled pursuant to the provisions of Article 20, paragraph (2) or (4).
- (4) The provisions of Article 12 shall apply *mutatis mutandis* to control which is performed by a local public entity under the confirmation in paragraph (1) and control which is performed by a person other than the national government and local public entities under the certification in paragraph (2), and the provisions of Article 13 to the preceding Article shall apply *mutatis mutandis* to local public entities taking charge of affairs related to the control under the confirmation in paragraph (1). In such cases, “official gazette” in Article 13, paragraph (4) shall be replaced by “bulletin of the local public entity.”

Article 19

The competent ministers may request a person who has obtained the certification in paragraph (2) of the preceding Article and performs control to submit reports on how the control is performed or on necessary matters.

Article 20

- (1) When a person who has obtained the confirmation under Article 18, paragraph (1), or the certification in the same Article, paragraph (2) suspends the control or becomes unable to perform the control in conformity with matters announced officially pursuant to the provisions of Article 11, paragraph (2), the person shall notify the effect to the competent ministers.
- (2) When notified under the preceding paragraph, the competent ministers shall cancel the confirmation of the case under Article 18, paragraph (1) or its certification under the same Article, paragraph (2).
- (3) When the competent ministers find that the releasing of sterilized designated alien species for the purpose of control for which a certification under Article 18, paragraph (2) has been obtained fails to comply with matters officially announced pursuant to the provisions of Article 11, paragraph (2), the competent ministers may order the person engaged in such control to collect such designated invasive alien species which underwent releasing and to take other necessary measures.
- (4) When the competent ministers find that control for which certification under Article 18, paragraph (2) has been obtained is not performed in conformity with matters announced officially pursuant to the provisions of Article 11, paragraph (2), or that the person, who performs such control, becomes unable to carry out such control properly and reliably, omits submitting reports specified by the preceding Article, or submits a false report, the competent ministers may cancel such certification.

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Chapter IV Unevaluated Alien Species

(Notification of Import)

Article 21

As provided in Ministerial Ordinance, a person who intends to import unevaluated alien species (alien species designated by Ministerial Ordinance as likely to cause adverse ecological impacts because of their different properties from those of native species, limited to living ones; the same applies hereinafter.) shall previously notify the competent ministers of the type of the unevaluated alien species and other matters provided in Ministerial Ordinance.

(Judgment)

Article 22

When a notification provided in the preceding Article is received, the competent ministers shall judge whether or not the unevaluated alien species in the notification is likely to cause adverse ecological impacts because of their different properties from those of native species, and inform the result to the person who has submitted the notification within six months from the date of the receipt of the notice.

(Restrictions on Import)

Article 23

A person who intends to import unevaluated alien species shall not import the unevaluated alien species before receiving the notification under the preceding Article to the effect that the unevaluated alien species is not likely to cause adverse ecological impacts because of their different properties from those of native species.

(Unevaluated Alien Species relevant to Exporters Abroad)

Article 24

- (1) A person who wishes to export unevaluated alien species to Japan may previously notify, as provided in Ministerial Ordinance, the competent ministers of the type of the unevaluated alien species and other matters provided in Ministerial Ordinance.
- (2) The provisions of Article 22 shall apply *mutatis mutandis* to the notification provided in the preceding paragraph.

Chapter IV-II Inspection of Imported Goods

(Inspection of Imported Goods)

Article 24-2

- (1) When the competent ministers find imported goods and their containers or packages (hereinafter “imported goods”) have designated invasive alien species or unevaluated alien species attached or contained, they may authorize staff members to enter the lands, warehouses, vessels or aircrafts where imported goods are located, to inspect imported goods, question relevant persons, or collect imported goods within the minimum amount required for inspection without charge.
- (2) As a result of the inspection under the preceding paragraph, when designated invasive alien species or unevaluated alien species attached onto or contained into imported goods, the competent ministers may disinfect or dispose imported goods, or order a person who owns or manages imported goods to disinfect or to dispose them.

- (3) The authority under paragraph (1) shall not be construed as being permitted for the purpose of criminal investigation.

(Delegation Provision)

Article 24-3

- (1) Procedures and criteria for orders under paragraph (2) of the preceding article shall be prescribed by Ministerial Ordinance.
- (2) When the competent ministers provide criteria for the preceding paragraph, the ministers shall consult persons with relevant knowledge and experience on the properties of living organisms and other matters.

(Request for Review)

Article 24-4

No request for review may be entered against the order under Article 24-2, paragraph (2).

Chapter V Miscellaneous Provisions

(Attachment of a Certificate for Import)

Article 25

- (1) Other organisms (limited to living ones) than those provided in Ministerial Ordinance easily identified that they do not fall under designated invasive alien species nor unevaluated alien species shall not be imported unless certificates issued by foreign government agencies proving the types of the organisms or provided in Ministerial Ordinance are attached.
- (2) An organism requiring the attachment of a certificate in the preceding paragraph shall not be imported through any other place than ports or airports stipulated in Ministerial Ordinance.

(Personnel Engaging in Control)

Article 26

- (1) The competent ministers may authorize those of staff members who meet requirements provided in Cabinet Order to exercise a part of authorities provided in Article 9-3, paragraph (1), or Article 10, paragraph (1) or (2), or Article 24-2, paragraph (1) or (2).
- (2) Staff members who exercise the part of authorities of the competent ministers pursuant to the provisions of the preceding paragraph (in the next paragraph, “controllers for designated invasive alien species’ adverse effects prevention”) shall carry their certificate of identification and present them to relevant persons when such authorities are to be executed.
- (3) In addition to those provided in the preceding two paragraphs, matters necessary in relation to the controllers for designated invasive alien species’ adverse effects prevention shall be prescribed by Cabinet Order.

(Measures to enrich Scientific Knowledge)

Article 27

To enrich scientific knowledge of adverse ecological impacts caused by alien species and the prevention thereof, the government shall endeavor to collect, arrange and analyze

information, promote study, and take other necessary measures relevant to the knowledge.

(Improvement of Public Understanding)

Article 28

The government shall endeavor to deepen public understanding on designated invasive alien species through measures such as educational activities and public relation activities.

(The Competent Ministers and Ministerial Ordinance)

Article 29

- (1) The competent minister in this Act shall be the Minister of the Environment ; provided, however, with regard to matters related to prevention of adverse effects on agriculture, forestry and fisheries, the Competent Ministers shall be the Minister of the Environment and the Minister of Agriculture, Forestry and Fisheries.
- (2) Ministerial Ordinance in this Act shall be an order issued by the competent ministers.

(Delegation of Authority)

Article 29-2

The authority of the competent ministers under this act may be delegated to the head of local branch bureaus and departments as provided in Ministerial Ordinance.

(Transitional Measures)

Article 30

When an order is established, amended or abolished under the provisions of this Act, transitional measures (including transitional measures on penal provisions) may be provided by the order to the degree judged reasonably necessary for the establishment, amendment or abolition thereof.

(Delegation to the Ministerial Ordinance)

Article 31

Other than those provided in this Act, procedures for the implementation of this Act and other matters necessary for the enforcement of this Act shall be prescribed by Ministerial Ordinance.

Chapter VI Penal Provisions

Article 32

A person who falls under any of the following items shall be punished by imprisonment with required labor for any period not more than three years or a fine not exceeding three million yen, or both.

- (i) a person who has performed raising of designated invasive alien species for the purpose of sale or distribution in violation of the provisions of Article 4;
- (ii) a person who has obtained permission under Article 5, paragraph (1) or Article 9-2, paragraph (1) by deceit or other wrongful means;

- (iii) a person who has violated the provisions of Article 7 or Article 9;
- (iv) a person who has sold or distributed designated invasive alien species in violation of the provisions of Article 8;
- (v) a person who has violated an order under Article 9-3, paragraph (1) or Article 24-2, paragraph (2).

Article 33

A person who falls under any of the following items shall be punished by imprisonment with required labor for any period not more than one year or a fine not exceeding one million yen, or both.

- (i) a person who has violated the provisions of Article 4 or Article 8 (excluding those who fall under item (i) or item (iv) of the preceding Article);
- (ii) a person who has performed raising of designated invasive alien species in violation of the conditions attached pursuant to the provisions of Article 5, paragraph (4);
- (iii) a person who has engaged in the releasing of designated invasive alien species in violation of the conditions attached pursuant to the provisions of Article 5, paragraph (4) as applied *mutatis mutandis* pursuant to Article 9-2, paragraph (6);
- (iv) a person who has violated an order under Article 20, paragraph (3);
- (v) a person who has violated the provisions of Article 23.

Article 34

A person who has violated the provisions of paragraph (1) or Article 25, paragraph (2) shall be punished by a fine not exceeding five hundred thousand yen.

Article 35

A person who falls under any of the following items shall be punished by a fine not exceeding three hundred thousand yen:

- (i) a person who has failed to make reports, or made false reports under Article 10, paragraph (1);
- (ii) a person who has refused, interfered or evaded on-site inspection under Article 10, paragraph (2), or has given no statement or false statement in reply to question asked at on-site inspection;
- (iii) a person who has refused, interfered or evaded on-site inspection or collection under Article 24-2, paragraph (1), or has given no statement or false statement in reply to question.

Article 36

When a representative of a juridical person, or an agent, employee or any other worker of a juridical person or an individual has committed a violation prescribed in Article 32 to the preceding article with regard to the business operations of the juridical person or individual, besides shall the offender be punished, the juridical person shall be punished by a fine specified in the following items and the individual shall be punished by the fine prescribed in respective articles set forth therein.

- (i) Article 32: a fine not exceeding one hundred million yen;
- (ii) Article 33: a fine not exceeding fifty million yen;

- (iii) preceding two Articles: the fine prescribed in the respective Articles.

Supplementary Provisions [Extract]

(Effective Date)

Article 1

This Act comes into effect as of the date (Cabinet Order No. 168 of June 1, 2005) provided by Cabinet Order within a period not exceeding one year from the date of its promulgation (June 2, 2004). Nevertheless, the provisions of the following Article, Article 3 and Article 5 of supplementary provisions comes into effect as of its promulgation.

(Transitional Measures)

Article 2

1. Even before this Act comes into effect, the Competent Ministers may prepare a basic policy for preventing adverse ecological impacts caused by designated invasive alien species in accordance with cases in the provisions of Article 3, paragraph (1) and paragraph (2) and ask for a cabinet decision.
2. When the cabinet decision on the basic policy in the preceding paragraph is made, the competent ministers shall announce it officially without delay.
3. The basic policy pursuant to the provisions of paragraph (1) shall be taken as the basic policy pursuant to the provisions of Article 3, paragraph (1) and paragraph (2) on the date this Act comes into effect.

(Delegation to Cabinet Order)

Article 3

Besides those provided in the preceding Article, any necessary transitional measures concerning the enforcement of this Act shall be prescribed by Cabinet Order.

(Review)

Article 4

Within five years after this Act comes into effect, the government shall, review the state of enforcement of this Act and shall, if it is deemed necessary, take the requisite measures based on the results thereof.