

PERMANENT MISSION OF JAPAN
TO THE UNITED NATIONS
NEW YORK

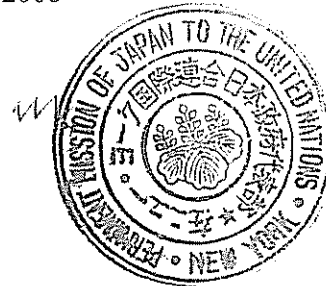
SC/08/161

The Permanent Mission of Japan to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's note no. S/AC.44/2007/ODA.OC.28 dated 17 October 2007, has the honour to transmit herewith the requested matrix and additional information.

The Permanent Mission of Japan has further the honour to request that the aforementioned matrix not to be posted on the Committee's website.

The Permanent Mission of Japan to the United Nations avails itself of this opportunity to renew to the Security Council Committee established pursuant to resolution 1540 (2004) the assurances of its highest consideration.

20 May 2008



**Annex to the Note Verbale S/C/08/161 dated 20 May 2008,
from the Permanent Mission of Japan to the United Nations
addressed to the Chairman of the Committee**

**Report on the implementation of Security Council resolution
1540 (2004)**

**Additional Information on legislation and law enforcement in
response to the examination made by the Security Council
Committee established pursuant to paragraph 4 of Security
Council resolution 1540 (2004)**

In its October 17, 2007 letter to Japan, the committee established pursuant to United Nations Security Council Resolution 1540 (2004) requested additional information on measures Japan has taken to effectively implement the resolution. The Government of Japan has studied the communication, and, further to the national report submitted by Japan on October 28, 2004 (S/AC.44/2004/(02)/49) and the first additional information on March 17, 2006, provides the following information.

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

- As background information to its efforts with regard to this Operative Paragraph 1, Japan wishes to reiterate that it has made clear its intention not to possess weapons of mass destruction (WMD) in legislation as follows:
- The Atomic Energy Basic Law (Law No. 186 of 1955)
 - The Law concerning Prohibition on Chemical Weapons and Restriction on Specific Materials (Law No.65 of 1995)
 - The Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological(Biological) and Toxin Weapons and on their

Destruction and the Other Conventions (Law No.61 of 1982)

- Japan deposited its instrument of acceptance of the International Convention of the Suppression of Acts of Nuclear Terrorism with the Secretary-General of the United Nations on 3 August 2007.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

<Biological Weapons>

Develop and transport

- As Japan reported on the page 6 of the national report and on the page 2 of the first additional information, "The Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological(Biological) and Toxin Weapons and on their Destruction and the Other Conventions" (Law No. 61 of 1982) prohibits and makes punishable production, possession, transfer, receiving or use of biological weapons. The Law also brings into scope such activities as acquisition ("receiving"), stockpiling/storing and transporting ("possession", "transfer" or "receiving"), and developing ("production").

A.m. activities related to means of delivery

- In addition to the Law No. 61 of 1982, the production, transfer, import and transportation of gunfire, including propellant are regulated by "The Gunpowder Control Act" (Law No.149 of 1950), as Japan reported on the page 6 of the national report and on the page 2 of the first additional information. Those activities in violation of the Law No. 149 of 1950 are punishable under the same

Law.

<Chemical Weapons>

Stockpile/store, develop, and transport,

- As Japan reported on the page 5 of the national report and on the page 3 of the first additional information, "The Law concerning Prohibition on Chemical Weapons and Restriction on Specific Materials" (Law No. 65 of 1995) prohibits and makes punishable production, possession, transfer, receiving or use of chemical weapon. The Law also brings into scope such activities as acquisition ("receiving"), stockpiling/storing and transporting ("possession", "transfer" or "receiving"), and developing ("production").

A.m. activities related to means of delivery

- In addition to Law No. 65 of 1995, production, transfer, import and transportation of gunpowder, including propellant are regulated by "The Gunpowder Control Act" (Law No.149 of 1950), as Japan reported on the page 6 of the national report and the page 4 of the first additional information. Those activities in violation of this Law are punishable.

<Nuclear Weapons>

Stockpile/store, develop and transport

- As Japan reported on the page 5 of the national report and on the page of 4 of the first additional information, "The Explosives Control Act" (Law No. 32 of 1884) prohibits and makes punishable "stockpile/store", "develop" or "transport" of nuclear warheads.

Manufacture/produce, acquire, possess, stockpile/store, develop, transport, transfer, use

- In addition to the previous reports, the recently passed "Criminal Radiation Emission Act" (Law No. 38 of 2007) prohibits and makes punishable "possession" and "handle (without due course)" of radioactive material with the intent to cause death or serious bodily injury, etc.
- The Law also brings into scope such activities as "manufacture/produce", "acquire", "stockpile", "develop",

“transport”, “use” or “transfer”, insofar as these activities are regarded as “possession” or “handle (without due course)”.

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

<Biological Weapons>

Production, use, storage and transport

- As Japan reported on the page 5 of the first additional information, “The Law on Implementing the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction and the Other Conventions (Law No. 61 of 1982)”, prohibits production of BW. The same law provides that the competent Minister in the government may order those who professionally handle biological agents or toxins to make reports on their activities in order to prevent unlawfully developing, producing, retaining, stockpiling, and acquiring biological agents or toxins, thus providing legal framework for the measures to account for production, use, storage and transport.
- Under the same Law, failing to make the above-mentioned report, as well as making a false report, is punishable.

Measures to secure production, use, storage, and transport

- In addition to the “Action Plan for Prevention of Terrorism” which was reported on the page 6 of the first additional information report, under “the Prevention of Infectious Diseases and Medical Care for Infectious Patients Act (Law No. 114 of 1998)”, a system for

- appropriate control of Pathogenic Microorganisms is established.
- This Law requires those who possess pathogen which is prescribed in this Law to report to the national authorities and regulates the standard of safekeeping of pathogen, provisions on regulation of transfer of pathogen, investigation and on-site inspection by national and prefectural authorities as well as provisions on administrative sanction or penalty in case of violation, thus providing legal framework for the measures to secure production, use, storage, transport and securing as well as their enforcement.

Regulations for physical protection of facilities/ materials/ transports, licensing/ registration of facilities/ persons handling biological materials and reliability check of personnel

- “The Prevention of Infectious Diseases and Medical Care for Infectious Patients Act” (Law No. 114 of 1998) stipulates regulations for physical protection of facilities/ materials/ transports.
- The same Law requires licensing and registration of facilities and persons handling biological materials.
- The same Law requires reliability check of personnel.
- Violation of the above-mentioned regulations is punishable under the same Law.

Measures to account for/ secure/ physically protect means of delivery

- As Japan reported on the page 7 of the national report and on the page 6 of the first additional information, “The Gunpowder Control Act” (Law No.149 of 1950) requires that records of such activities as production, merchandise, receipt and consumption of gunpowder including propellant be kept. Failing to keep records, keeping false records, or failing to save those records are punishable.

<Chemical Weapons>

Reliability check of personnel

- As Japan reported on the page 6 of the first additional information, “The Law concerning Prohibition on Chemical Weapons and Restriction on Specific Materials” (Law No.65 of 1995) requires strict check of personnel, and its violation/failure is punishable.

Measures to account for/ secure/ physically protect means of delivery

- As Japan reported on the page 7 of the national report and on the page 7 of the first additional information, "The Gunpowder Control Act" (Law No.149 of 1950) requires that records of such activities as production, merchandise, receipt and consumption of gunpowder including propellant be kept. Failing to keep these records, keeping false records, or failing to save these records are punishable under the same Law.

<Nuclear Weapons>

Reliability check of personnel

- As Japan reported on the page 7 of the first additional information, "The Law for Regulations of Nuclear Source Material, Nuclear Fuel Material and Reactors" (Law No. 166 of 1957) requires strict check of personnel, and violation/failure is punishable.

Measures to account for/ secure/ physically protect means of delivery

- As Japan reported on the page 7 of the national report and on the page 7 of the first additional information, "The Gunpowder Control Act" (Law No.149 of 1950) requires that records of such activities as production, merchandise, receipt and consumption of gunpowder including propellant be kept. Failing to keep these records, keeping false records, or failing to save these records are punishable under the same Law.

IAEA Safeguards Agreement

- As Japan reported on the page 8 of the first additional information, under "The Law for Regulations of Nuclear Source Material, Nuclear Fuel Material and Reactors" (Law No. 166 of 1957), any person who refuses, prevents, or avoids the inspection by an inspector of IAEA or refuses to answer or makes false answer to the question posed by an IAEA inspector, is punishable.

IAEA Code of Conduct on Safety and Security of Radioactive Sources

- As Japan reported on the page 8 of the first additional information, guidance on import and export of radioactive sources has been implemented since 01 January 2006 after the approval of the

amendments to "the Export Trade Control Order" (No.378 of 1949) under "the Foreign Exchange and Foreign Trade Law" (Law No. 228 of 1949). Failure/violation is punishable under the same Law.

- "The Law for Prevention of Radiation Hazards due to Radioactive Isotope and other Material" (Law No. 167 of 1957) regulates handling of radioactive isotope, in accordance with the IAEA Code of Conduct. Failure/violation is punishable under the same Law.

Additional national legislation/regulations related to nuclear materials including CPPNM

- As Japan reported on the page 8 of the first additional information, in accordance with the guideline of the IAEA on the physical protection of nuclear material and nuclear facilities (INFCIRC/225/Revision 4), "The Law for Regulations of Nuclear Source Material, Nuclear Fuel Material and Reactors" (Law No. 166 of 1957) was amended to as follows, and took effect in December 2005:
 - Nuclear and Industrial Safety Agency and Ministry of Education, Culture, Sports, Science and Technology (MEXT) establish DBT (Design Basis Threat) against nuclear facilities etc., and the users reinforce the physical protection measures based on the assessed threat;
 - Inspectors of physical protection of nuclear material who belong to Nuclear and Industrial Safety Agency and Ministry of Education, Culture, Sports, Science and Technology (MEXT) regularly inspect the effectiveness of the above-mentioned measures, and if necessary, order the users to improve such measures;
 - Users and government officials etc. shall not reveal confidential information regarding the physical protection of nuclear material, revelation of which is punishable.

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and

their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Operative Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Operative Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

<Common to Biological, Chemical, Nuclear Weapons>

Control of brokering, trading in, negotiating, otherwise assisting in sale

of goods and technology

- According to the new regulation of “the Foreign Exchange and Foreign Trade Law” (Law No. 228 of 1949: hereafter referred to as the FEFTL) concerning brokering control which was introduced on June 1, 2007, Japanese residents (including overseas branches of Japanese companies) are now required to obtain licenses from Minister of Economy, Trade and Industry in the following cases of transfer of goods among foreign countries and regions: (a) When engaging in brokering transactions of arms, with transfer of goods among foreign countries and regions, and; (b) When engaging in brokering transactions of all goods which may be diverted to development, manufacture, use or storage of weapons of mass destruction. Failure to obtain the license is punishable under the FEFTL.

Individual licensing, general licensing, and exceptions from licensing

- As Japan reported on the page 9 of the first additional information, Japan’s export control system, in principle, adopts individual licensing under the FEFTL in accordance with the control lists of the international export control regimes. In the case where an exporter continuously exports certain kinds of goods or technologies to a certain end-user, general license may be provided for a limited term, with exceptions. Failure to obtain the license is punishable under the FEFTL.

Licensing of deemed export

- As Japan reported on the page 9 of the first additional information, in accordance with the FEFTL, in the case where a resident exports a certain technology to a non-resident, the resident is required to obtain licensing no matter where the non-resident is. Failure to obtain the license is punishable under the FEFTL.

Interagency review for licenses

- The FEFTL authorizes Minister of Economy, Trade and Industry to issue license. Minister of Economy, Trade and Industry may convene any interagency coordination as he deems necessary.

Control lists

- As Japan reported on the page 10 of the first additional information, failure to obtain the license where the list is concerned is punishable under the FEFTL.

Inclusion of means of delivery

- Means of delivery is included in the Attached List 1 of the Export Trade Control Order (Executive Order No. 378 of 1949).
- As Japan reported on the page 10 of the first additional information, failure to obtain the license is punishable under the FEFTL.

Intangible transfers

- In the case where a resident exports a certain technology to a non-resident, the FEFTL requires the resident to obtain licenses.
- As Japan reported on the page 10 of the first additional information, failure to obtain the license is punishable under the FEFTL.

Transshipment control

- As Japan reported on the page 10 of the first additional information, previously a license was required for arms originating from and destined to foreign countries and regions when transshipping at Japanese airport and seaports. From June 1, 2007, the export control under the FEFTL is extended to cover any goods originated from and destined to foreign countries and regions, which may be diverted to the development, manufacture, use or storage of weapons of mass destruction and their delivery means. Failure to obtain license is punishable under the FEFTL.

Reexport control

- As Japan reported on the page 11 of the first additional information, the exporter is required to obtain consent from Minister of Economy, Trade and Industry in advance, should any transfer of sensitive goods or technologies from an end-user to third parties take place. Failure to obtain consent is punishable under the FEFTL.

Control of providing funds

- As Japan reported on the page 11 of the first additional information,

"The Act on Punishment of Financing to offences of public intimidation" (Law No.67 of 2002) prohibits financing to facilitate terrorist activities. This prohibition applies to the cases where non-state actors prepare for the use of weapons of mass destruction. Those activities in violation of this Law are punishable.

Control of importation <only to CW>

- According to the amendment of "Customs Law" (Law No. 61 of 1954) and "the Customs Tariff Law" (Law No.54 of 1910) in 2006, the regulating provision over chemical-weapon-related materials has moved from Law No.54 of 1910 to Law No.61 of 1954. Therefore Law No.54 of 1910 no longer regulates chemical-weapon-related materials.

Extraterritorial applicability

- The Japanese domestic legal system does not apply extraterritorially.

Operative Paragraph 8

Calls upon all States:

(c) To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Assistance in place

- Japan, on many occasions, has expressed its commitment to multilateral cooperation. Japan is an active member in relevant international organizations, such as the IAEA Board of Governors and the OPCW Executive Council. Japan also fulfills its commitment to multilateral cooperation through financial contributions to the international organizations and fora. As for the fiscal year 2007, Japan allocated:
 - Some 15 million US Dollars for the IAEA technical

assistance, in addition to regular contribution of 11 million US Dollars and 43 million Euro for the IAEA, which accounts for approximately 20 % of the entire budget of the IAEA;

- 11 million EURO as regular contribution to the OPCW (approximately 20 %);
 - 0.1 million US Dollars as contribution to the BWC meetings (approximately 20 %);
 - 9.5 million US Dollars and 7.3 million EURO as regular contribution to CTBTO Preparatory Committee (approximately 20 %);
 - 0.6 million US Dollars as contribution to the First Session of the Preparatory Committee for the 2010 NPT Review Conference (approximately 12%).
- The Government of Japan have offered assistance of the CWC as follows:
- Over 190,000 Euros voluntary contribution to the OPCW for universalization and strengthening national implementation as of March 2008;
 - Organization of CWC workshops for promoting national implementation in Indonesia (February 2007, with Australia), in the Philippines (July 2007, with Australia and the OPCW) and in Cambodia (March 2008, with the OPCW);
 - Support to the training course for Iraqi to support their accession to the CWC in October 2007;
 - Accommodate trainees from Asian countries in the framework of the "Associate Program";
 - Japan also provide scientific and technical contribution to the OPCW by sending qualified experts to various technical meeting/forum.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Information for industry and information for the public

- In order to inform the industry and the public of Japan's export control system, the Ministry of Economy, Trade, and Industry holds seminars for the industry, universities, and research institutions,

and helps companies to establish their internal compliance programs.

- Center for Information in Security Trade Control (CISTEC), established in 1989 as a non-profit organization for promoting the understanding of export controls, and the Export Association, which prevents illicit exports by the members of the association in accordance with the Export and Import Transaction Law (Law No. 299 of 1952), give advice to the industry regarding e.g. their internal compliance programs.
- With respect to the Proliferation Security Initiative (PSI), the Government of Japan hosted PSI Maritime Interdiction Exercise "Pacific Shield 07" in October 2007. The whole Exercise program was open to media and was useful for promoting the understanding among the public about the goals and activities of the PSI.
- The Ministry of Foreign Affairs issued Notification No.293 on full translated text of the UNSCR 1540, which was published in an official gazette on June 7, 2005.

Operative Paragraph 9

Calls upon all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Assistance in place

- The Government of Japan is actively promoting outreach activities towards Asian countries through such means as holding talks on Non-Proliferation with ASEAN countries, including Pakistan and others.
- The Government of Japan, aiming at enhancing efforts against proliferation in Asia, which contributes to the peace and security in the Asian region, held the Asian Senior-level Talks on Non-Proliferation (ASTOP) in November 2003, February 2005, February 2006, and February 2007 in Tokyo.
- The Government of Japan held the 15th annual Asian Export Control Seminar in November 2007, inviting delegates from 24 countries and regions. The delegates focused on developing a common understanding of the importance of export controls to strengthen

- their export control systems for non-proliferation in Asian countries.
- The Government of Japan has been taking actions and measures for capacity building for combating terrorism, mainly for Asian countries in the nine areas such as immigration, aviation security, port and maritime security, custom cooperation, export control, law-enforcement cooperation, anti-terrorist financing, counter-CBRN terrorism, and counter-terrorism international conventions and protocols. In these areas Japan has been holding seminars and training courses and received 320 people in FY 2006.
 - The Government of Japan has been actively participating in the Proliferation Security Initiative (PSI) since its launch in May 2003. The efforts made by the Government of Japan include hosting maritime interdiction exercise in 2004 (Team Samurai 04) and 2007 (Pacific Shield 07), and various outreach activities to enhance support towards PSI among Asian countries, both through diplomatic dialogues such as the above-mentioned ASTOP, and through operational cooperation which include efforts by the Ministry of Defense and the Self-Defense Forces on the occasion of Defense exchanges. In April 2006, the National Police Agency, Metropolitan Police Department and the Ministry of Finance (Japan Customs) dispatched a special inspection team to the air interdiction exercise (Pacific Protector 06) hosted by Australia.

END

- Confidential -

Additional Communication to the Annex to the Note Verbale S/C/08/161 dated 20 May 2008, from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

Given that the national implementation matrices are not to be publicized, the Government of Japan did not include the following points in the above-mentioned Annex, but nevertheless wishes to draw the Committee's attention to the following points when it revises Japan's national implementation matrices.

- Several columns of "national legal framework" are left in blank even though the adjacent "enforcement: civil/criminal penalties and others" of the same activity is filled with details. When there is law to penalize a specific activity, the very provision to penalize should be regarded as an element of "national legal framework". Japan hopes that Japan's national implementation matrices will be reviewed to fill the blank columns of "national legal framework" which should have the same description as the adjacent "enforcement" column in the same line of a specific activity.
- There are several activities categorized as "other" or "other measures for ..." Unless specific details are available, the columns in such a line of activity should be left blank, whereas some columns are filled with fragmented details.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

Confidential

Japan

State: 28 October 2004
 Date of Report: 17 March 2006
 Date of Addendum 2: 20 May 2008

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1 General statement on non-possession of WMD	X	<u>sei</u>	
2 General statement on commitment to disarmament and non-proliferation	X	Is committed to disarmament and non-proliferation of WMD and their means of delivery	page 4 of the report
3 General statement on non-provision of WMD and related materials to non-State actors	X	Has not intended and will never intend to provide any form of support to non-State actors as stipulated	page 4 of the report
4 Biological Weapons Convention (BWC)	X	Ratified 1982	page 3 of the report
5 Chemical Weapons Convention (CWC)	X	Ratified 1995	page 3 of the report
6 Nuclear Non-Proliferation Treaty (NPT)	X	Acceded 1976	page 3 of the report

7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified in 1998	page 3 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Acceded in 1988	page 3 of the report
9	Hague Code of Conduct (HCOC)	X	Subscribed	pages 3 and 11 of the report
10	Geneva Protocol of 1925	X	Deposit 21 May 1970	http://disarmament.un.org:8080/TreatyStatus.nsf
11	International Atomic Energy Agency (IAEA)	X	Since 1957	page 10 of the report http://www.iaea.org/About/Policy/MemberStates/index.html
12	Nuclear Weapons Free Zone/ Protocol(s)			
13	Other Conventions/Treaties	X	The International Convention of the Suppression of Acts of Nuclear Terrorism (Deposit, 3 August, 2007)	
14	Other Arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Zangger Committee (ZC) 3. Australia Group (AG) 4. Missile Technology Control Regime (MTCR) 5. Wassenaar Arrangement (WA) 6. Proliferation Security Initiative (PSI)	pages 3, 4, 11 and 12 of the report
15	Other			

OP 2 - Biological Weapons (BW)

State:

Japan

28 October 2004

17 March 2006

20 May 2008

Date of Report:

Date of Addendum 1:

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	Law No. 61 of 1982	X	Law No. 61 of 1982	page 6 of the report
2 acquire	X	Law No. 61 of 1982: receiving	X	Law No. 61 of 1982	page 6 of the report
3 possess	X	Law No. 61 of 1982	X	Law No. 61 of 1982	page 6 of the report
4 stockpile/store	X	Law No. 61 of 1982	X	Law No. 61 of 1982	page 2 of Addendum 1
5 develop	X	Law No. 61 of 1982	X	Law No. 61 of 1982: within the scope of production	page 6 of the report page 2 of Addendum 1
6 transport	X	Law No. 61 of 1982: within the scope of possession, transfer or receiving	X	Law No. 61 of 1982: within the scope of possession, transfer or receiving	page 2 of Addendum 1
7 transfer	X	Law No. 61 of 1982	X	Law No. 61 of 1982	page 6 of the report
8 use	X	Law No. 61 of 1982	X	Law No. 61 of 1982	page 6 of the report
9 participate as an accomplice in a.m. activities	X	Law No. 45 of 1908 (Penal Code)	X	Law No. 45 of 1908 (Penal Code)	page 6 of the report
10 assist in a.m. activities	X	Law No. 45 of 1908 (Penal Code)	X	Law No. 45 of 1908 (Penal Code)	page 6 of the report
11 finance a.m. activities	X	Law No. 67 of 2002 on terrorist financing	X	Law No. 67 of 2002 on terrorist financing	page 6 of the report pages 2 and 3 of Addendum 1
12 a.m. activities related to means of delivery	X	1. Law No. 61 of 1982 2. Gunpowder Control Act (Law No. 149 of 1950)	X	Law No. 61 of 1982 Gunpowder Control Act (Law No. 149 of 1950)	page 6 of the report page 3 of Addendum 1
13 involvement of non-State actors in a.m. activities	X	Law No. 61 of 1982	X	Law No. 61 of 1982	page 2 of Addendum 1
14 Other	X	Law No. 61 of 1982: attempts to produce or use	X	Law No. 61 of 1982: attempts to produce or use	page 6 of the report

OP 2 - Chemical Weapons (CW)

State: **Japan**

28 October 2004

17 March 2006

20 May 2008

Date of Report:

Date of Addendum 1:

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	Law No. 65 of 1995	X	Law No. 65 of 1995	page 5 of the report page 3 of Addendum 1
2 acquire	X	Law No. 65 of 1994: receive	X	Law No. 65 of 1994: receive	
3 possess	X	Law No. 65 of 1995	X	Law No. 65 of 1995	
4 stockpile/store	X	Law No. 65 of 1995: within the scope of possession	X	Law No. 65 of 1995: within the scope of possession	page 3 of Addendum 1
5 develop	X	Law No. 65 of 1995: within the scope of production	X	Law No. 65 of 1995: within the scope of production	page 3 of Addendum 1
6 transport	X	Law No. 65 of 1995: within the scope of possession	X	Law No. 65 of 1995: within the scope of possession	page 3 of Addendum 1
7 transfer	X	Law No. 65 of 1995	X	Law No. 65 of 1995	page 5 of the report
8 use	X	Law No. 65 of 1995	X	Law No. 65 of 1995	page 5 of the report
9 participate as an accomplice in a.m. activities	X	Law No. 45 of 1908 (Penal Code)	X	Law No. 45 of 1908 (Penal Code)	page 6 of the report
10 assist in a.m. activities	X	Law No. 45 of 1908 (Penal Code)	X	Law No. 45 of 1908 (Penal Code)	page 6 of the report
11 finance a.m. activities	X	Law No. 67 of 2002 on terrorist financing	X	Law No. 67 of 2002 on terrorist financing	page 6 of the report page 3 of Addendum 1
12 a.m. activities related to means of delivery	X	Gunpowder Control Act (Law No. 149 of 1950) Law No.65 of 1995	X	Gunpowder Control Act (Law No. 149 of 1950) Law No.65 of 1995	pages 3 and 4 of Addendum 1
13 involvement of non-State actors in a.m. activities	X	Law No. 65 of 1995	X	Law No. 65 of 1995	page 3 of Addendum 1
14 Other	X	Law No. 65 of 1995: covers attempt and equipment for "exclusively composing or facilitating" their use	X	Law No. 65 of 1995: covers attempt and equipment for "exclusively composing or facilitating" their use	page 5 of the report

OP 2 - Nuclear Weapons (NW)

State: **Japan**

28 October 2004
17 March 2006
20 May 2008

Date of Report:
Date of Addendum 1:

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	Law No. 32 of 1884 (The Explosives Control Act) Law No.38 of 2007	X	Law No. 32 of 1884 (The Explosives Control Act) Law No.38 of 2007	page 5 of the report
2 acquire	X	Law No. 166 of 1957 ("receive"): no permission if for non-peaceful purposes Law No.38 of 2007	X	Law No. 166 of 1957 penalties for mishandling Law No.38 of 2007	page 5 of the report
3 possess	X	Law No. 32 of 1884 (The Explosives Control Act) Law No.38 of 2007	X	Law No. 32 of 1884 (The Explosives Control Act) Law No.38 of 2007	page 5 of the report
4 stockpile/store	X	Law No. 32 of 1884: within the scope of possession, import or ordering	X	Law No. 32 of 1884: within the scope of possession, import or ordering	page 4 of Addendum 1
5 develop	X	Law No. 38 of 2007 Law No. 32 of 1884: within the scope of production Law No.38 of 2007	X	Law No.38 of 2007 Law No. 32 of 1884: within the scope of production Law No.38 of 2007	page 4 of Addendum 1
6 transport	X	Law No. 32 of 1884: within the scope of possession, import or ordering	X	Law No. 32 of 1884: within the scope of possession, import or ordering	page 4 of Addendum 1
7 transfer	X	Law No.38 of 2007 Law No. 166 of 1957: no permission if for non-peaceful purposes Law No.38 of 2007	X	Law No.38 of 2007 Law No. 166 of 1957 penalties for mishandling Law No.38 of 2007	page 5 of the report
8 use	X	Law No. 32 of 1884 (The Explosives Control Act) Law No.38 of 2007	X	Law No. 32 of 1884 (The Explosives Control Act) Law No.38 of 2007	page 5 of the report
9 participate as an accomplice in a.m. activities	X	Law No. 45 of 1908 (Penal Code)	X	Law No. 45 of 1908 (Penal Code)	page 6 of the report

10	assist in a.m. activities	X	Law No. 45 of 1908 (Penal Code)	X	Law No. 45 of 1908 (Penal Code)	page 6 of the report
----	---------------------------	---	---------------------------------	---	---------------------------------	----------------------

11	finance a.m. activities	X	Law No. 67 of 2002 on terrorist financing	X	Law No. 67 of 2002 on terrorist financing	page 6 of the report
12	a.m. activities related to means of delivery	X	Law No. 32 of 1884 (The Explosives Control Act)	X	Law No. 32 of 1884 (The Explosives Control Act)	page 4 of Addendum 1 page 5 of the report
13	involvement of non-State actors in a.m. activities	X	Law No. 166 of 1957	X	Law No. 166 of 1957	page 5 of the report
14	Other	X	1. Atomic Energy Basic Law No.186 of 1955 2. Three Non-Nuclear Principles: not possess, produce or import NW	X	Law No. 166 of 1957 Covers threats and attempts	pages 2 and 5 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **Japan**

28 October 2004
17 March 2006
20 May 2008

Date of Report:
Date of Addendum 1:

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X		X		
2 Measures to account for use	X	Law No. 61 of 1982 reports to competent Ministers	X	Law No. 61 of 1982: failing to make a report in accordance with the law or making a false report is punishable	page 7 of the report page 5 of Addendum 1
3 Measures to account for storage	X		X		
4 Measures to account for transport	X		X		
5 Other measures for accounting					page 6 of Addendum 1
6 Measures to secure production	X	Ministry of Health, Labour and Welfare guidelines to control viruses and bacteria	X		
7 Measures to secure use	X	Action Plan for prevention of Terrorism of 10 December 2004	X	Law No.114 of 1998	page 7 of the report page 6 of Addendum 1
8 Measures to secure storage	X	Law No.114 of 1998	X		
9 Measures to secure transport	X		X		
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports	X	Ministry of Health, Labour and Welfare guidelines Law No. 114 of 1998	X	Law No. 114 of 1998	page 8 of the report
12 Licensing/registration of facilities/persons handling biological materials	X	Law No. 114 of 1998	X	Law No. 114 of 1998	

13	Reliability check of personnel	<input checked="" type="checkbox"/>	Law No. 114 of 1998	<input checked="" type="checkbox"/>	Law No. 114 of 1998	
14	Measures to account for/secure/physically protect means of delivery	<input checked="" type="checkbox"/>	Gunpowder Control Act (Law No. 149 of 1950)	<input checked="" type="checkbox"/>	Gunpowder Control Act (Law No. 149 of 1950)	page 6 of the report page 6 of Addendum 1
15	Regulations for genetic engineering work					
16	Other legislation/ regulations related to safety and security of biological materials					
17	Other					page 6 of Addendum 1

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **Japan**

28 October 2004

17 March 2006

20 May 2008

Date of Report:

Date of Addendum 1:

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X		X		
2 Measures to account for use	X		X		
3 Measures to account for storage	X	Law No. 65 of 1995	X	Law No. 65 of 1995	page 7 of the report pages 6 and 7 of Addendum 1
4 Measures to account for transport	X		X		
5 Other measures for accounting					
6 Measures to secure production	X		X		
7 Measures to secure use	X		X		pages 7 and 8 of the report pages 6 and 7 of Addendum 1
8 Measures to secure storage	X	Law No. 65 of 1995	X	Law No. 65 of 1995	
9 Measures to secure transport	X		X		pages 6 and 7 of Addendum 1
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports	X	1. Law No. 65 of 1995: Schedule I chemicals 2. Japan Defense Agency Order No. 48 of 1995, Article 62	X	Ministry of Economy, Trade, and Industry may inspect	page 8 of the report
12 Licensing of chemical installations/entities/use of materials	X	Law No. 65 of 1995	X	Law No. 65 of 1995	pages 6 and 7 of Addendum 1
13 Reliability check of personnel	X	Law No.65 of 1995	X	Law No.65 of 1995	

14	Measures to account for/secure/ physically protect means of delivery	<input checked="" type="checkbox"/>	Law No. 149 of 1950: The Gunpowder Control Act	<input checked="" type="checkbox"/>	Gunpowder Control Act (Law No. 149 of 1950)	page 6 of the report page 7 of Addendum 1
----	---	-------------------------------------	---	-------------------------------------	--	--

15	National CWC authority	X	National CWC Authority (organized by the Ministry of Foreign Affairs, the Ministry of Economy, Trade and Industry and the Defence Agency)		page 7 of Addendum 1
16	Reporting Schedule I, II and III chemicals to OPCW	X	Minister of Economy, Trade and Industry under the Law No. 65 of 1995	False report or neglecting to report are punishable under the Law No. 65 of 1995	page 7 of Addendum 1
17	Account for, secure or physically protect old chemical weapons	X	Memorandum of Understanding between Japan and China on the Destruction of Abandoned CW in China	Reports to the OPCW on weapons abandoned in Japan	pages 139-146 in the Annex to the report
18	Other legislation/ regulations controlling chemical materials				
19	Other				

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **Japan**

28 October 2004

17 March 2006

20 May 2008

Date of Report:

Date of Addendum 1:

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X		X		
2 Measures to account for use	X	Law No. 166 of 1957	X	Law No. 166 of 1957	pages 6 and 7 of the report page 7 of Addendum 1
3 Measures to account for storage	X		X		
4 Measures to account for transport	X	Law No. 166 of 1957	X	Law No. 166 of 1957	page 7 of Addendum 1
5 Other measures for accounting					
6 Measures to secure production	X		X		
7 Measures to secure use	X	Law No. 166 of 1957	X	Law No. 166 of 1957 punishes mishandling	pages 4, 6 and 7 of the report
8 Measures to secure storage	X		X		
9 Measures to secure transport	X	Law No. 166 of 1957	X	Law No. 166 of 1957 punishes mishandling	pages 6 and 8 of the report
10 Other measures for securing					
11 Regulations for physical protection of facilities/materials/ transports	X	Law No. 166 of 1957, amended in December 2005 in accordance with the IAEA INFIRC/225/Revision 4	X	Law No. 166 of 1957 punishes mishandling	page 6 of the report page 7 of Addendum 1
12 Licensing of nuclear installations/entities/use of materials	X	Law No. 166 of 1957: permission of competent Minister required	X	Law No. 166 of 1957 punishes mishandling	pages 6 and 7 of the report
13 Reliability check of personnel	X	Law No. 166 of 1957	X	Law No. 166 of 1957	page 7 of Addendum 1

14	Measures to account for/secure/physically protect means of delivery	X	Law No. 149 of 1950: The Gunpowder Control Act	X	Gunpowder Control Act (Law No. 149 of 1950)	page 6 of the report pages 7 and 8 of Addendum 1
15	National regulatory authority	X	1. Ministry for Education, Culture, Sport, Science and Technology (MEXT) 2. Ministry of Economy, Trade and Industry 3. Ministry of Land, Infrastructure and Transport			page 5 of the report page 8 of Addendum 1
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement in force 02 December 1977 2. Additional Protocol in force 16 December 1999	X	Law No. 166 of 1957	page 3 of the report http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	1.Guidance on the import and export of radioactive sources has been implemented since 01 January 2006 after the approval of the amendments to the Export Trade Control Order No. 378 of 1949 2.Law No.167 of 1957	X	1.Foreign Exchange and Foreign Trade Law 2.Law No.167 of 1957	page 8 of Addendum 1 http://www-ns.iaea.org/downloads/nw/meetings/code-conduct-signatories.pdf
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Participates in IAEA Database Programme			http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Law No. 166 of 1957	X	1. Nuclear and Industrial Safety Agency and MEXT established Design Basis Threat (DBT) against nuclear facilities 2. Inspectors of the Nuclear Safety Agency and MEXT regularly inspect the implementation of DBT	page 8 of Addendum 1
21	Other					

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials**

State: **Japan**

28 October 2004

17 March 2006

20 May 2008

Date of Report:

Date of Addendum 1:

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Customs Law No. 61 of 1954 2. Coast Guard Law No. 28 of 1948 3. Criminal Procedure Act No. 131 of 1948 4. Self Defense Forces Law No. 165 of 1954	X	1. Customs 2. Japan Coast Guard 3. Police 4. Self Defense Forces	pages 8, 9 and 10 of the report page 9 of Addendum 1
2 Technical support of border control measures					
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)	X	Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)	pages 8 and 10 of the report
4 Enforcement agencies/authorities	X	1. Customs Law No. 61 of 1954 2. Japan Coast Guard Law (Law No. 28 of 1948) 3. Criminal Procedure Act (Law No. 131 of 1948) 4. Defense Agency Establishment (Law No. 164 of 1954) 5. Self Defense Forces (Law No. 165 of 1954)	X	1. Customs 2. Japan Coast Guard 3. Police 4. Self Defense Forces	pages 8, 9 and 10 of the report

			<p>1. Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)</p> <p>2. Executive Order No. 378 of 1949 (Export Trade Control Order): goods</p> <p>3. Executive Order No. 260 of 1980 (Foreign Exchange Order): technologies</p> <p>4. Customs Law No. 61 of 1954</p>	<p>1. Any FEFTL violations are punishable</p> <p>2. Police and Coast Guard investigate cases of violations of the FEFTL</p>	<p>pages 6, 8, 9 and 10 of the report</p> <p>page 9 of Addendum 1</p>
5	Export control legislation in place	X	<p>1. Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)</p> <p>2. Executive Order No. 378 of 1949 (Export Trade Control Order): goods</p> <p>3. Executive Order No. 260 of 1980 (Foreign Exchange Order): technologies</p> <p>4. Customs Law No. 61 of 1954</p>	<p>1. Any FEFTL violations are punishable</p> <p>2. Police and Coast Guard investigate cases of violations of the FEFTL</p>	<p>pages 6 and 8 of the report</p>
6	Licensing provisions	X	<p>1. Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)</p> <p>2. Executive Order No. 378 of 1949 (Export Trade Control Order): goods</p> <p>3. Executive Order No. 260 of 1980 (Foreign Exchange Order): technologies</p> <p>4. Customs Law No. 61 of 1954</p>	<p>1. Any FEFTL violations are punishable</p> <p>2. Customs Law No. 61 of 1954: Customs requires the approved license for an export</p>	<p>pages 6 and 8 of the report</p>
7	Individual licensing	X	<p>Export control system, in principle, adopts individual licensing</p>	<p>Foreign Exchange and Foreign Trade Law (No. 228 of 1998)</p>	<p>page 9 of Addendum 1</p>
8	General licensing	X	<p>General license may be provided</p>	<p>Foreign Exchange and Foreign Trade Law (No. 228 of 1998)</p>	<p>page 9 of Addendum 1</p>
9	Exceptions from licensing	X	<p>Exceptions to general license may apply</p>	<p>Foreign Exchange and Foreign Trade Law (No. 228 of 1998)</p>	<p>page 9 of Addendum 1</p>
10	Licensing of deemed export/visa	X	<p>FEFTL provisions</p>	<p>Foreign Exchange and Foreign Trade Law (No. 228 of 1998)</p>	<p>page 9 of Addendum 1</p>
11	National licensing authority	X	<p>Ministry of Economy, Trade and Industry</p>		<p>page 9 of the report</p>
12	Interagency review for licenses	X	<p>Foreign Exchange and Foreign Trade Law (No. 228 of 1998) stipulates the involvement of other relevant ministries</p>		
13	Control lists	X	<p>Items listed by the control regimes:</p> <p>1. Attached List 1 of the Export Trade Control Order: goods</p> <p>2. Attached List of the Foreign Exchange Order: Technologies</p>	<p>Foreign Exchange and Foreign Trade Law (No. 228 of 1998)</p>	<p>page 10 of the report</p> <p>pages 179-192 of the Annex to the report</p>
14	Updating of lists	X	<p>Control lists are updated regularly by the Ministry of Economy, Trade and Industry</p>		<p>page 10 of Addendum 1</p>

15	Inclusion of technologies	X	Executive Order No. 260 of 1980 (Foreign Exchange Order): technologies	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report
16	Inclusion of means of delivery	X	List 1 of the Executive Order No. 378 of 1949	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 10 of Addendum 1
17	End-user controls	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)End-users list has been established and updated annually	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of the report page 10 of Addendum 1
18	Catch all clause	X	Catch-all controls introduced April 2002	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report page 10 of Addendum 1
19	Intangible transfers	X	In accordance with the FEFTL	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 10 of Addendum 1
20	Transit control					
21	Trans-shipment control	X	Executive Order No. 378 of 1949	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of the report page 10 of Addendum 1
22	Re-export control	X	Consent of the Ministry of Economy, Trade and Industry is required	X	Foreign Exchange and Foreign Trade Law and regulations	page 11 of Addendum 1
23	Control of providing funds	X	Law No. 67 of 2002 on Punishment of Financing to Offences of Public Intimidation	X	Law No. 45 of 1908 (Penal Code)	page 10 of the report page 11 of Addendum 1
24	Control of providing transport services	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	
25	Control of importation	X	1. Customs Law No. 61 of 1954 2. FETFL 3. Customs Tariff Law(The Law No. 54 of 1910)	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 8 of the report pages 11 and 12 of Addendum 1
26	Extraterritorial applicability					
27	Other					page 2 of the report

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State: **Japan**

28 October 2004

17 March 2006

20 May 2008

Date of Report:

Date of Addendum 1:

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc	Remarks
	YES	if YES, indicate source document		
1 Border control	X	1. Customs Law No. 61 of 1954 2. Coast Guard Law No. 28 of 1948 3. Criminal Procedure Act (Law No. 131 of 1948) 4. Self Defense Forces Law No. 165 of 1954	1. Customs 2. Japan Coast Guard 3. Police 4. Self Defense Forces	pages 8, 9 and 10 of the report page 9 of Addendum 1
2 Technical support of border control measures				
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)	Foreign Exchange and Foreign Trade Law	pages 8 and 10 of the report
4 Enforcement agencies/authorities	X	1. Customs Law No. 61 of 1954 2. Japan Coast Guard Law(Law No. 28 of 1948) 3. Criminal Procedure Act (Law No. 131 of 1948) 4. Defense Agency Establishment Act (Law No. 164 of 1954) 5. Self Defense Forces Law (Law No. 165 of 1954)	1. Customs 2. Japan Coast Guard 3. Police 4. Self Defense Forces	pages 8, 9 and 10 of the report

				1. Foreign Exchange and Foreign Trade Law - FEFTL (Law No. 228 of 1998) 2. Executive Order No. 378 of 1949 (Export Trade Control Order): goods 3. Executive Order No. 260 of 1980 (Foreign Exchange Order): technologies 4. Customs Law No. 61 of 1954	X	X	1. Any FEFTL violations are punishable 2. Police and Coast Guard investigate cases of violations of the FEFTL	pages 6, 8, 9 and 10 of the report page 9 of Addendum 1
5	Export control legislation in place	X			X	X	1. Any FEFTL violations are punishable 2. Customs Law No. 61 of 1954: Customs requires the approved license for an export	pages 6 and 8 of the report
6	Licensing provisions	X		Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)	X	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of Addendum 1
7	Individual licensing	X		Export control system, in principle, adopts individual licensing	X	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of Addendum 1
8	General licensing	X	X	General license may be provided	X	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of Addendum 1
9	Exceptions from licensing	X	X	Exceptions to general license may apply	X	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of Addendum 1
10	Licensing of deemed export/visa	X	X	Foreign Exchange and Foreign Trade Law - FEFTL (Law no. 228 of 1998)	X	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of Addendum 1
11	National licensing authority	X	X	Ministry of Economy, Trade and Industry				page 9 of the report
12	Interagency review for licenses	X	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998) stipulates the involvement of other relevant ministries				
13	Control lists	X	X	Items listed by the control regimes: 1. Attached List 1 of the Export Trade Control Order: goods 2. Attached List of the Foreign Exchange Order: Technologies	X	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 10 of the report pages 179-192 of the Annex to the report
14	Updating of lists	X	X	Control lists are updated regularly by the Ministry of Economy, Trade and Industry				page 10 of Addendum 1
15	Inclusion of technologies	X	X	Executive Order No. 260 of 1980 (Foreign Exchange Order): technologies	X	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report

16	Inclusion of means of delivery	X	List 1 of the Executive Order No. 378 of 1949	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 10 of Addendum 1
17	End-user controls	X	End-users list has been established and updated annually	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report page 10 of Addendum 1
18	Catch all clause	X	Catch-all controls introduced April 2002	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report page 10 of Addendum 1
19	Intangible transfers	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 10 of Addendum 1
20	Transit control					
21	Trans-shipment control	X	Executive Order No. 378 of 1949	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report page 10 of Addendum 1
22	Re-export control	X	Consent of the Ministry of Economy, Trade and Industry is required	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 11 of Addendum 1
23	Control of providing funds	X	Law No. 67 of 2002 on Punishment of Financing to Offences of Public Intimidation	X	Law No. 45 of 1908 (Penal Code)	page 10 of the report page 11 of Addendum 1
24	Control of providing transport services	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	
25	Control of importation	X	1. Customs Law No. 61 of 1954 2. Foreign Exchange and Foreign Trade Law (No. 228 of 1998) 3. Law No. 65 of 1995	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 8 of the report pages 11 and 12 of Addendum 1
26	Extraterritorial applicability					
27	Other					page 2 of the report

**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials**

State: **Japan**

28 October 2004
17 March 2006
20 May 2008

Date of Report:
Date of Addendum 1:

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc if YES, indicate source document	Remarks
	YES	if YES, indicate source document		
1 Border control	X	1. Customs Law No. 61 of 1954 2. Coast Guard Law No. 28 of 1948 3. Criminal Procedure Act No. 131 of 1948 4. Self Defense Forces Law No. 165 of 1954	1. Customs 2. Japan Coast Guard 3. Police 4. Self Defense Forces	pages 8, 9 and 10 of the report page 9 of Addendum 1
2 Technical support of border control measures				
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	pages 8 and 10 of the report
4 Enforcement agencies/authorities	X	1. Customs Law No. 61 of 1954 2. Law No. 28 of 1948 (Japan Coast Guard Law) 3. Law No. 131 of 1948 (Criminal Procedure Act) 4. Law No. 164 of 1954 (Defense Agency Establishment Act) 5. Law No. 165 of 1954 (Self Defense Forces Law)	1. Customs 2. Japan Coast Guard 3. Police 4. Self Defense Forces	pages 8, 9 and 10 of the report

			1. Foreign Exchange and Foreign Trade Law - FEFTL (Law No. 228 of 1998)	1. Any FEFTL violations are punishable 2. Police and Coast Guard investigate cases of violations of the FEFTL	pages 6, 8, 9 and 10 of the report page 9 of Addendum 1
5	Export control legislation in place	X	2. Executive Order No. 378 of 1949 (Export Trade Control Order): goods 3. Executive Order No. 260 of 1980 (Foreign Exchange Order): technologies 4. Customs Law No. 61 of 1954	X	
6	Licensing provisions	X	FEFTL stipulates the need for an export license	X	pages 6 and 8 of the report
7	Individual licensing	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	page 9 of Addendum 1
8	General licensing	X	General license may be provided	X	page 9 of Addendum 1
9	Exceptions from licensing	X	Exceptions to general license may apply	X	page 9 of Addendum 1
10	Licensing of deemed export/visa	X	FEFTL provisions	X	page 9 of Addendum 1
11	National licensing authority	X	Ministry of Economy, Trade and Industry		page 9 of the report
12	Interagency review for licenses	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998) stipulates the involvement of other relevant ministries		
13	Control lists	X	Items listed by the control regimes: 1. Attached List 1 of the Export Trade Control Order: goods 2. Attached List of the Foreign Exchange Order: Technologies	X	page 10 of the report pages 179-192 of the Annex to the report
14	Updating of lists	X	Control lists are updated regularly by the Ministry of Economy, Trade and Industry		page 10 of Addendum 1
15	Inclusion of technologies	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	page 9 of the report
16	Inclusion of means of delivery	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	page 10 of Addendum 1

17	End-user controls	X	End-users list has been established and updated annually	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report page 10 of Addendum 1
18	Catch all clause	X	Catch-all controls introduced April 2002	X	Foreign Exchange and Foreign Trade Law and regulations	page 9 of the report page 10 of Addendum 1
19	Intangible transfers	X	In accordance with the FEFTL	X	Foreign Exchange and Foreign Trade Law	page 10 of Addendum 1
20	Transit control					
21	Trans-shipment control	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 9 of the report page 10 of Addendum 1
22	Re-export control	X	Consent of the Ministry of Economy, Trade and Industry is required	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 11 of Addendum 1
23	Control of providing funds	X	Law No. 67 of 2002 on Punishment of Financing to Offences of Public Intimidation	X	Law No. 45 of 1908 (Penal Code)	page 10 of the report page 11 of Addendum 1
24	Control of providing transport services	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	
25	Control of importation	X	1. Customs Law No. 61 of 1954 2. Foreign Exchange and Foreign Trade Law (No. 228 of 1998) 3. Law No. 54 of 1910 (The Customs Tariff Law) 4. Executive Order No. 378 of 1949	X	Foreign Exchange and Foreign Trade Law (No. 228 of 1998)	page 8 of the report pages 11 and 12 of Addendum 1
26	Extraterritorial applicability					
27	Other					page 2 of the report

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State:

Japan

28 October 2004

17 March 2006

20 May 2008

Date of Report:

Date of Addendum 1:

Can information be provided on the following issues ?	YES	Remarks
1 Control lists - items (goods/ equipment/ materials/ technologies)	X	page 10 of the report
2 Control lists - other		
3 Assistance offered	X	page 4 of the report page 12 of Addendum 1
4 Assistance requested		
5 Assistance in place (bilateral/plurilateral/multilateral)	X	page 11 of the report pages 13 and 14 of Addendum 1
6 Information for industry	X	page 13 of Addendum 1
7 Information for the public	X	page 13 of Addendum 1