NOTIFICATION FROM JAPAN

Attached is a notification received from Japan in response to the request in GATT/AIR/2087 that contracting parties make available any relevant information which would enable the secretariat to prepare basic documentation designed to facilitate discussion of the question of exports of domestically prohibited goods.
EXPORT OF DOMESTICALLY PROHIBITED GOODS

1. In Japan, export of goods is permitted with a minimum of restrictions, provided that they are in conformity with the purposes of the Foreign Exchange and Foreign Trade Control Law. The purpose of the Law is to make possible proper expansion of foreign trade and, thereby, to contribute to sound development of the national economy.

2. In the interests of the health and safety of the nation, the production and sale, or sale, of certain goods is restricted. Among those goods are narcotics, opium, cannabis, stimulants, pharmaceuticals, foodstuffs, agricultural chemicals, chemical substances, consumer goods, and poisonous and deleterious substances. The export of these goods is restricted as follows:

(1) The export of narcotics, opium, cannabis and stimulants is prohibited in principle by the Narcotic Control Law, the Opium Law, the Cannabis Control Law and the Stimulants Control Law, respectively.

(2) The production and sale of pharmaceuticals, chemical substances, poisonous and deleterious substances and consumer products are restricted, respectively, by the Pharmaceutical Affairs Law, the Law concerning the Examination Regulation of Manufacture, etc., of Chemical Substances, the Poisonous and Deleterious Substances Control Law and the Consumer Product Safety Law. Those goods production of which is controlled by these laws may
not be exported unless they comply with the requirements of the relevant laws. Pharmaceuticals manufactured for export only, however, may be exported under Article 80 of the Law in conformity with the requirements of the importing country's regulations. Export of pharmaceuticals is regulated by the Export Inspection Law, and, therefore, harmful pharmaceuticals shall not be exported. For consumer products, Article 4, paragraph 1 of the Consumer Product Safety Law provides for an exception by which products which do not satisfy the standards of the Law but satisfy the standards of the importing country may be produced and exported, but the Minister concerned must be notified of the intention to export and satisfied as to the product's compliance with the importing country's standards.

(3) While the sale of agricultural chemicals is restricted by the Agricultural Chemicals Regulation Law, their export is restricted by 1974 joint circular notice of the Ministry of International Trade and Industry and the Ministry of Agriculture, Forestry and Fisheries. By the 1974 circular notice, which contained strong administrative guidance to the industry to obtain the approval of the Ministers with jurisdiction for the relevant items before exportation, the Ministries have caused the industry to refrain from exporting agricultural chemicals the domestic sale of which is prohibited. Since then, there has been no case of export recorded.
(4) With regard to foodstuffs, the production and sale of harmful foodstuffs is prohibited by the Food Sanitation Law, and, therefore, their export is hardly conceivable.

3. As regards products for the export of which permission, approval, etc., of an administrative agency or any other similar action is required by the relevant laws and regulations, exporters are required by the Customs Law to certify the Custom Office at the time of making the export declaration that such permission etc. has been obtained. As regards products for export which are required to undergo inspection or to meet certain conditions, exporters are obliged by the Customs Law to certify the Customs Office of completion of inspection or fulfilment of the conditions required by the relevant laws and regulations and to obtain certification from the Customs Office.

The relevant laws are as follows:

1. PHARMACEUTICAL AFFAIRS LAW

The purpose of this law is to regulate matters pertaining to pharmaceuticals, quasi-drugs, cosmetics, medical devices, drugs for animals, quasi-drugs for animals, and medical devices for animals (hereinafter collectively referred to as "pharmaceuticals, etc.") in order to ensure their quality, efficacy, and safety.
Any person wishing to manufacture (import) pharmaceuticals, etc., commercially must obtain manufacture (import) approval and a manufacturer's (importer's) license for each item. Approval and license for human-use pharmaceuticals, etc., are obtained from the Minister of Health and Welfare, those for pharmaceuticals, etc., for animals from the Minister of Agriculture, Forestry and Fisheries. (Art. 12, 14, 19-2, and 22) The Law prohibits the sale or the giving of pharmaceuticals which are not in conformity with the established standards, pharmaceuticals which are improperly labelled, pharmaceuticals which are not licensed and pharmaceuticals which have not undergone government testing, and the false or misleading advertising of pharmaceuticals, etc. (Art. 55, 56, and 66). As regards export, pharmaceuticals, etc., manufactured for export only may be exported in conformity with the requirements of the importing country’s regulations. (Art. 80)

2. LAW CONCERNING THE EXAMINATION AND REGULATION OF MANUFACTURE, ETC., OF CHEMICAL SUBSTANCES

The purpose of the Law is to prevent pollution of the environment by chemical substances which have persistence or other such properties and which may be harmful to human health by the establishment of a system of examination to determine, before the manufacture or import of new chemical substances, whether such substances have these properties or not and the implementation of necessary regulations in the manufacture, import, use, etc., of chemical substances having these properties. (Art. 1)
The products regulated by this Law are P.C.B. and six other chemical substances. Narcotics, opium, stimulants, specified poisonous substances, agricultural chemicals, pharmaceuticals, etc., which are regulated by other laws, are not regulated by this law.

3. CONSUMER PRODUCT SAFETY LAW

The purpose of this law is to prevent harm to the consumer by consumer products by regulating the manufacture and sale of specific products and by providing for measures to promote autonomous activities on the part of industry organizations and citizens' groups for ensuring the safety of consumer products, thereby protecting the interests of the consumer.

In accordance with Art. 2 of the Law, certain consumer products are designated by Cabinet Order as products which pose special safety problems, by virtue of their construction, materials, use, etc. Safety standards are established for each specific product by Ministerial Ordinance (Art. 3). Sale of these specific products is prohibited, unless the products bear a mark (the S mark) to the effect that those standards have been met (Art. 4).

The export of consumer products not meeting the Japanese standards, but satisfying the importing country's standards, may be permitted on notification to the Ministry concerned that the products are for export only (Art. 4, para. 1).
4. AGRICULTURAL CHEMICALS REGULATION LAW

The purpose of this law is to contribute to the stability of agricultural production, the protection of the people's health, and the preservation of the people's living environment by establishing a system of registration for agricultural chemicals regulating their sale and use so as to ensure that they are of proper quality and are correctly and safely used.

The Agricultural Chemicals Control Law requires any person manufacturing, processing or importing agricultural chemicals to register the said agricultural chemicals with the Minister of Agriculture, Forestry and Fisheries, and (Art. 2 paragraph 1) no agricultural chemical shall be sold without such registration.

5. FOOD SANITATION LAW

The purpose of this law is to contribute to the promotion of public health by seeking to prevent the danger of harm to health from the consumption of unsanitary food. The products regulated by this law are foodstuffs, food additives, food-processing equipment, and food packaging (hereinafter referred to collectively as "foods, etc."). In this Law, "foods" means all foods and beverages, excluding pharmaceuticals and quasi-drugs regulated by the Pharmaceutical Affairs Law, and "additives" means substances used in the manufacturing, processing, or preservation of food by addition, admixture, dipping, or other method.
This law also stipulates specifications and standards for the materials, manufacture and use of toys for children and detergents for washing vegetables or dishes and contains regulations prohibiting the sale of toys or detergents containing toxic or deleterious substances.

This law contains provisions prohibiting the sale of unsanitary food, provisions establishing specifications or standards, provisions requiring notification, etc., of imports, application for permission to engage in food-related business, and other food-related matters.

6. THE EXPORT INSPECTION LAW

The purpose of this Law is to maintain and enhance the good reputation of export commodities by carrying out inspection of them and thereby contributing to the sound development of Japan's export trade. The export of goods stipulated by Cabinet Order, including foods, pharmaceuticals, textiles, machinery, etc., is prohibited unless their quality satisfies the standards set by the relevant Ministerial Ordinances.

7. THE POISONOUS AND DELETERIOUS SUBSTANCES CONTROL LAW

The purpose of this law is to exercise the necessary control over any poisonous or deleterious substance in the interests of health and sanitation. No person other than a registered manufacturer of a poisonous or deleterious substance may manufacture such poisonous or deleterious substance for the purpose of sale or giving.
No person other than a registered seller of a poisonous or deleterious substance may sell such poisonous or deleterious substance. (Art. 1 and 3)