

Order for Enforcement of the Consumer Product Safety Act (Tentative translation)

((Cabinet Order No. 48 of March 5, 1974))

The Cabinet enacts this Cabinet Order pursuant to the provisions of Article 2, paragraph (2), Article 3, Article 25, paragraph (1), Article 64, paragraph (3), Article 82, Article 83, Article 94, Article 95, paragraph (1), item (iii), and paragraph (2), Article 96, and item (ix) of the Appended Table of the Consumer Product Safety Act (Act No. 31 of 1973).

(Specified Products)

Article 1 The specified products set forth in Article 2, paragraph (2) of the Consumer Product Safety Act (hereinafter referred to as the "Act") are as listed in Appended Table 1.

(Special Specified Products)

Article 2 The special specified products set forth in Article 2, paragraph (3) of the Act are as listed in the left-hand column of Appended Table 2.

(Specified Products Requiring Maintenance)

Article 3 The specified products requiring maintenance set forth in Article 2, paragraph (iv) of the Act are as listed in Appended Table 3.

(Incidents Excluded from Consideration as Product Incidents)

Article 4 The incidents specified by Cabinet Order set forth in Article 2, paragraph (5) of the Act are incidents where food sanitation hazards have occurred resulting from the apparatus provided for in Article 4, paragraph (4) of the Food Sanitation Act (Act No. 233 of 1947), containers and packaging provided for in paragraph (5) of the same Article, or toys provided for in Article 62, paragraph (1) of the same Act.

(Requirements for Serious Product Incidents)

Article 5 The requirements specified by Cabinet Order set forth in Article 2, paragraph (6) of the Act are any of the following:

- (i) any of the following harm has come to the lives or health of general consumers;
 - (a) death;
 - (b) injury or disease for which treatment requires no less than 30 days or which causes physical disability specified by Cabinet Office Order when

- (3) The particulars on which the competent minister may direct, pursuant to the provisions of Article 40, paragraph (1) of the Act, a person engaged in the business of manufacturing or importing specified products requiring maintenance to make a report are particulars concerning the type, quantity, place of manufacture, storage, or sale, and the establishment of the design standard use period or the inspection period of the specified products requiring maintenance manufactured or imported, particulars concerning the labeling of products or a document or owner form to be attached to products, particulars concerning the management of owner information, particulars concerning notice of inspection notice particulars, particulars concerning the conduct of an inspection, particulars concerning the development of the system necessary to properly conduct an inspection or any other maintenance, particulars concerning the main purchasers, and concerning any safety hazards resulting from the use of the specified products requiring maintenance and measures implemented to prevent its recurrence, and other particulars concerning the operations in manufacturing or importing the specified products requiring maintenance.
- (4) The particulars on which the competent minister may direct, pursuant to the provisions of Article 40, paragraph (1) of the Act, a person engaged in the business of selling consumer products (excluding specified products requiring maintenance; hereinafter the same applies in this paragraph) to make a report are particulars concerning the kind, quantity, place of storage or sale, the supplier, and the main purchasers of the consumer products sold, and other particulars concerning the operations in selling the consumer products.
- (5) The particulars on which the competent minister may direct, pursuant to the provisions of Article 40, paragraph (1) of the Act, an enterprise transacting specified products requiring maintenance to make a report are particulars concerning the kind, quantity, place of storage or transaction of, and the transaction partners with regard to the specified products requiring maintenance transacted, particulars concerning explanation upon delivery, and other particulars concerning the operations in transacting the specified products requiring maintenance.
- (6) The particulars on which the Prime Minister may direct, pursuant to the provisions of Article 40, paragraph (3) of the Act, a person engaged in the business of manufacturing or importing consumer products to make a report are particulars concerning the kind, quantity, place of manufacture, storage or sale, and the main purchasers of the consumer products manufactured or imported, and concerning any safety hazards resulting from the use of the consumer products and measures implemented to prevent its recurrence, and other particulars concerning the operations in manufacturing or importing the consumer products.

- (i) with respect to persons engaged in the business of manufacturing, importing or selling consumer products pertaining to the collection of reports, on-site inspection and acceptance of a request: the minister having jurisdiction over the business of manufacturing, importing or selling respective consumer products; and
 - (ii) with respect to enterprises transacting specified products requiring maintenance pertaining to the collection of reports, on-site inspection and acceptance of a request: the minister having jurisdiction over the business of the enterprises transacting specified products requiring maintenance.
- (5) The competent minister for particulars concerning the collection of reports under the provisions of Article 40, paragraph (2) of the Act and the on-site inspection under the provisions of Article 41, paragraph (2) of the Act is the Minister of Economy, Trade and Industry.
- (6) The order of the competent ministry for the particulars provided for in Article 54, paragraph (1), item (iii) of the Act (excluding particulars concerning the receipt of a notice under the provisions of Article 35, paragraph (3) of the Act, the consultation under the provisions of Article 36, paragraph (2) of the Act and the investigation under the provisions of paragraph (3) of the same Article, the consultation under the provisions of Article 37, paragraph (2) of the Act and the request under the provisions of paragraph (3) of the same Article, and the order under the provisions of Article 39, paragraph (1) of the Act) and the particulars provided for in Article 54, paragraph (1), item (iv) of the Act (excluding particulars concerning the recommendation under the provisions of Article 32-6, paragraph (1) of the Act and the publication under the provisions of paragraph (2) of the same Article, and the collection of information under the provisions of Article 32-21, paragraph (1) of the Act) is an order issued by the competent minister provided for in paragraph (1).

(Processes Administered by the Prefectural or City Government)

Article 14 (1) The processes that are under the authority of the Minister of Economy, Trade and Industry as provided for in Article 40, paragraph (1), Article 41, paragraph (1), and Article 42, paragraph (1) of the Act concerning persons engaged in the business of selling specified products or enterprises transacting specified products requiring maintenance (hereinafter referred to as "on-site inspection and other processes" in this Article) are to be performed by a person provided for respectively in the following items in accordance with the classification of cases listed in those items; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally performing the processes.

- (i) in the case where their offices, workplaces, stores or warehouses are located in an area in a city: the mayor of the city (where the mayor of that city

- requests and the governor of the prefecture that includes the city finds it necessary, the prefectural governor and the city mayor); or
- (ii) in the case where their offices, workplaces, stores or warehouses are located in an area in a town or village: the governor of the prefecture that includes the town or village.
- (2) A prefectural governor or a city mayor who has performed the on-site inspection and other processes provided for in the preceding paragraph pursuant to the provisions of the same paragraph must report to the Minister of Economy, Trade and Industry the results thereof pursuant to the provisions of the Order of the Ministry of Economy, Trade and Industry.
- (3) In the case where a prefectural governor or a city mayor performs the on-site inspection and other processes pursuant to the provisions of paragraph (1), the provisions on the Minister of Economy, Trade and Industry pertaining to the on-site inspection and other processes provided for in the Act are to apply to the prefectural governor or the city mayor as provisions on prefectural governors or city mayors, respectively.

(Authority Which Is Not Delegated to the Minister of State for Consumer Affairs)

Article 15 The authority specified by Cabinet Order set forth in Article 56, paragraph (1) of the Act is the authority to make a request under the provisions of Article 41, paragraph (6) of the Act.

(Processes for Which the Competent Minister May Give Instructions)

Article 16 The processes specified by Cabinet Order set forth in Article 57 of the Act are the processes to be performed by a prefectural governor or a city mayor pursuant to the provisions of Article 14, paragraph (1) (excluding those concerning enterprises transacting specified products requiring maintenance).

(Delegation of Authority)

Article 17 (1) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Article 4, paragraph (2), item (i) of the Act concerning persons whose factories or workplaces pertaining to the business of manufacturing specified products are located within an area under the jurisdiction of only one Regional Bureau of Economy, Trade and Industry, is to be exercised by the Director-General of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of the factories or workplaces.

(2) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Article 4, paragraph (2), item (i) of the Act concerning persons whose offices, workplaces, stores or warehouses pertaining to the business of

importing or selling specified products are located within an area under the jurisdiction of only one Regional Bureau of Economy, Trade and Industry is to be exercised by the Director-General of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of the offices, workplaces, stores or warehouses.

- (3) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Article 6, Article 7, paragraph (2), Articles 8 through 10, and Article 11, paragraph (1), item (i) of the Act concerning notifying enterprises whose factories or workplaces pertaining to the business of manufacturing specified products that belong to one classification of notification (meaning the classification of specified products specified by the order of the competent ministry as provided for in Article 6 of the Act; the same applies in the following paragraph) are located within an area under the jurisdiction of only one Regional Bureau of Economy, Trade and Industry is to be exercised by the Director-General of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of the factories and workplaces.
- (4) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Article 6, Article 7, paragraph (2), Articles 8 through 10, and Article 11, paragraph (1), item (i) of the Act concerning notifying enterprises whose offices, workplaces, stores or warehouses pertaining to the business of importing specified products that belong to one classification of notification are located within an area under the jurisdiction of only one Regional Bureau of Economy, Trade and Industry is to be exercised by the Director-General of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of the offices, workplaces, stores or warehouses.
- (5) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Articles 14 and 15 of the Act is to be exercised by the Director of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of offices, factories, workplaces, stores or warehouses of the notifying enterprise; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising the authority.
- (6) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Article 32-2 of the Act is to be exercised by the Director of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of the head office or principal office of the specified manufacturer, etc.
- (7) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Articles 32-16 and 32-20 of the Act is to be exercised by the Director of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of the head office or principal office of the specified manufacturer, etc.; provided, however, that this does not preclude the

Minister of Economy, Trade and Industry from personally exercising the authority.

- (8) The authority of the Minister of Economy, Trade and Industry pursuant to the provisions of Article 40, paragraph (1), Article 41, paragraph (1), and Article 42, paragraph (1) of the Act concerning persons engaged in the business of manufacturing or importing consumer products is to be exercised by the Director of the Regional Bureau of Economy, Trade and Industry having jurisdiction over the location of their offices, factories, workplaces, stores or warehouses; provided, however, that this does not preclude the Minister of Economy, Trade and Industry from personally exercising the authority.

(Products Excluded from Consideration as Consumer Products)

Article 18 Other Acts specified by Cabinet Order set forth in item (ix) of the Appended Table of the Act are as listed in the left-hand column of Appended Table 4, and the products specified by Cabinet Order set forth in the same item are as listed in the right-hand column of Appended Table 4 respectively for each Act listed in the left-hand column of Appended Table 4.

Supplementary Provisions [Extract]

(Effective Date)

- (1) This Cabinet Order comes into effect as of the day of promulgation.

(Transitional Measures)

- (4) With regard to consumer products listed in the left-hand column of Appended Table 1 and specified products provided for in the preceding paragraph, which have been sold to general consumers prior to the enforcement of this Cabinet Order, the provisions of Article 82 of the Act apply while the term "specified products" in the same Article is deemed to be replaced with "specified products which have been sold under the proviso to Article 4."

Supplementary Provisions [Cabinet Order No. 335 of September 26, 1974]

This Cabinet Order comes into effect as of October 1, 1974.

Supplementary Provisions [Cabinet Order No. 176 of June 5, 1975] [Extract]

(Effective Date)

- (1) This Cabinet Order comes into effect as of the day of promulgation.

(Transitional Measures)

- (2) A person engaging in the business of manufacturing, importing or selling specified products listed in the left-hand column of row 6 to row 9 of Appended Table 1 of the Order for Enforcement of the Consumer Product Safety Act revised pursuant to the provisions of Article 1 (hereinafter referred to as the "New Act") (hereinafter, the specified products are referred to as "additional specified products") may sell or display for the purpose of selling the additional specified products without labeling them under the provisions of Article 6 or Article 27 of the Consumer Product Safety Act (hereinafter referred to as the "Act") for one year and three months from the date on which this Cabinet Order comes into effect, notwithstanding the provisions of Article 4 of the Act.
- (3) In the case where a person engaging in the business of manufacturing, importing or selling additional specified products has sold additional specified products without labeling them as set forth in Article 6 or Article 27 of the act during the period of one year and three months from the date on which this Cabinet Order comes into effect (excluding the case where a registered manufacturer who has obtained the approval set forth in Article 23, paragraph (1) of the Act has sold additional specified products pertaining to the approval), the provisions of Article 35 of the Act do not apply to the additional specified products, and the term "specified products" in Article 82 of the Act is deemed to be replaced with "specified products which have been sold under the proviso to Article 4."
- (4) With regard to the application of the provisions of Article 82 of the Act to consumer products listed in the left-hand column of rows 6 through 9 in Appended Table 1 of the New Order which have been sold to general consumers prior to the enforcement of this Cabinet Order, the term "consumer products (excluding specified products)" in the same Article is deemed to be replaced with "consumer products."

Supplementary Provisions [Cabinet Order No. 282 of July 5, 1978]
[Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the day of promulgation.

Supplementary Provisions [Cabinet Order No. 2 of January 6, 1983]

- (1) This Cabinet Order comes into effect as of the day of promulgation.
- (2) Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Cabinet Order.

Article 1 This Cabinet Order comes into effect as of May 1, 1996.

**Supplementary Provisions [Cabinet Order No.98 of April 3, 1996]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of May 1, 1996.

Supplementary Provisions [Cabinet Order No. 335 of November 21, 1997]

This Cabinet Order comes into effect as of the day of promulgation.

**Supplementary Provisions [Cabinet Order No. 385 of December 3, 1999]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2000.

**Supplementary Provisions [Cabinet Order No. 136 of March 29, 2000]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of October 1, 2000.

(Period to be Provided for by Cabinet Order as Set forth in Article 5, Paragraph (1) of the Supplementary Provisions of the Consolidation and Streamlining Act)

Article 2 The periods to be provided for by Cabinet Order as set forth in Article 5, paragraph (1) of the Supplementary Provisions of the Act on the Consolidation and Streamlining of Standards and Certification Systems Relating to the Ministry of International Trade and Industry (hereinafter referred to as the "Consolidation and Streamlining Act") are as listed in the right hand column of Appended Table 1 of the Supplementary Provisions with regard to specified products under transition listed in the left hand column of the Table (meaning specified products under transition prescribed in the paragraph).

(Period to be Provided for by Cabinet Order as Set forth in Article 5, Paragraph (2) of the Supplementary Provisions of the Consolidation and Streamlining Act)

Article 3 The periods to be provided for by Cabinet Order as set forth in Article 5, paragraph (2) of the Supplementary Provisions of the Consolidation and

Article 7 The periods to be provided for by Cabinet Order as set forth in Article 61, paragraph (1) of the Supplementary Provisions of the Consolidation and Streamlining Act are as respectively listed in the right hand column of Appended Table 6 of the Supplementary Provisions with regard to each item of the gas equipment under transition listed in the left hand column of the Table (meaning gas equipment under transition prescribed in Article 59 of the Supplementary Provisions of the Consolidation and Streamlining Act).

(Period to be Provided for by Cabinet Order as Set forth in Article 61, Paragraph (2) of the Supplementary Provisions of the Consolidation and Streamlining Act)

Article 8 The periods to be provided for by Cabinet Order as set forth in Article 61, paragraph (2) of the Supplementary Provisions of the Consolidation and Streamlining Act are as respectively listed in the right hand column of Appended Table 7 of the Supplementary Provisions with regard to each item of the specified gas equipment under transition listed in the left hand column of the Table (meaning specified gas equipment under transition prescribed in the same paragraph).

(Period to be Provided for by Cabinet Order as Set forth in Article 62 of the Supplementary Provisions of the Consolidation and Streamlining Act)

Article 9 The periods to be provided for by Cabinet Order as set forth in Article 62 of the Supplementary Provisions of the Consolidation and Streamlining Act are as respectively listed in the right hand column of Appended Table 8 of the Supplementary Provisions with regard to each item of the second-class gas equipment under transition listed in the left hand column of the Table (meaning the second-class gas equipment under transition prescribed in the same Article).

(Transitional Measures for Enforcement of the Consolidation and Streamlining Act)

Article 10 (1) Beyond cases which is to continue to be governed by prior laws pursuant to the provisions of the following paragraph, prior laws continue to govern the first-class specified products listed in item (ii) of Appended Table 1 of the Order for Enforcement of the Consumer Product Safety Act prior to revision by the provisions of Article 3, to which labeling under the provisions of Article 27 of the Consumer Product Safety Act prior to revision by the provisions of Article 1 of the Consolidation and Streamlining Act (hereinafter referred to as the "Old Consumer Product Safety Act" in this Article), as applied mutatis mutandis pursuant to Article 32-4, paragraph (2) of the Old Consumer Product Safety Act, is affixed, until the day on which three years

however, that the provisions of Articles 1 (limited to the part pertaining to item (i)) through 3 and Article 5, the provisions to revise Article 3 of the Order for Enforcement of the Consumer Product Safety Act in Article 10, and the provisions of Article 12 come into effect as of April 1, 2001.

Supplementary Provisions [Cabinet Order No. 14 of January 31, 2001]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the day of promulgation.

(Transitional Measures)

Article 2 A person engaged in the business of manufacturing, importing or selling the specified products listed in item (v) of Appended Table 1 of the Order for Enforcement of the Consumer Product Safety Act revised by this Cabinet Order (hereinafter referred to as "Additional Specified Products") may sell or display for the purpose of selling the Additional Specified Products without labeling them under the provisions of Article 13 of the Consumer Product Safety Act (hereinafter referred to as the "Act") for one month from the day of the enforcement of this Cabinet Order, notwithstanding the provisions of Article 4, paragraph (1) of the Act.

Supplementary Provisions [Cabinet Order No. 225 of May 16, 2003]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of August 1, 2003; provided, however, that the provisions of paragraph (2) of the following Article come into effect as of the day of promulgation.

(Transitional Measures)

Article 2 (1) A person engaged in the business of manufacturing, importing or selling the specified products listed in item (vi) of Appended Table 1 of the Order for Enforcement of the Consumer Product Safety Act revised by this Cabinet Order (hereinafter referred to as "Additional Specified Products") may sell or display for the purpose of selling the Additional Specified Products without labeling them under the provisions of Article 13 of the Consumer Product Safety Act (hereinafter referred to as the "Act") for three months from the day of the enforcement of this Cabinet Order, notwithstanding the provisions of Article 4, paragraph (1) of the Act.

(2) A person who intends to obtain a certification or approval as set forth in Article 12, paragraph (1) of the Act for Additional Specified Products may file an application for certification or approval prior to the enforcement of this

Cabinet Order (hereinafter referred to as "Additional Specified Products") may sell or display for the purpose of selling the Additional Specified Products without labeling them under the provisions of Article 13 of the Consumer Product Safety Act (hereinafter referred to as the "Act") for nine months from the day of the enforcement of this Cabinet Order, notwithstanding the provisions of Article 4, paragraph (1) of the Act.

- (2) A person who intends to obtain a registration as set forth in Article 12, paragraph (1) of the Act for Additional Specified Products may file an application for registration prior to the enforcement of this Cabinet Order. The same applies to the notification of the business regulations under the provisions of Article 22, paragraph (1) of the Act (including the cases applied mutatis mutandis pursuant to Article 30, paragraph (2) of the Act).

**Supplementary Provisions [Cabinet Order No. 96 of March 30, 2012]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of April 1, 2012

(Transitional Measures upon Partial Revision of the Order for Enforcement of the Consumer Product Safety Act)

Article 6 The collection of reports or other acts which have been performed, prior to the effective date, by a prefectural governor pursuant to the provisions of Article 40, paragraph (1), Article 41, paragraph (1), or Article 42, paragraph (1) of the Consumer Product Safety Act and which are included in the processes to be performed by a city mayor after the effective date pursuant to these provisions are deemed to be the collection of reports or other acts having been performed by the city mayor respectively pursuant to these provisions.

**Supplementary Provisions [Cabinet Order No. 40 of March 23, 2017]
[Extract]**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the Item (v) date of enforcement (April 1, 2017)

Appended Table 1 (Re: Articles 1 and 6)

- (i) autoclaves and pressure cookers for household use (limited to those with an inner volume of not more than 10 liters which are designed to be used under a gauge pressure of not less than 9.8 kilopascals)
- (ii) riding helmets (limited to those for riding a two-wheeled motor vehicle or

Appended Table 3 (Re: Article 3)

- (i) instantaneous gas water heaters listed in item (i) of Appended Table 1 of the Order for Enforcement of the Gas Business Act (Cabinet Order No. 68 of 1954) (excluding outdoor type heaters (meaning those that are installed outdoors and have a structure that is resistant to the effects of wind and rain; the same applies hereinafter))
- (ii) instantaneous liquefied petroleum gas water heaters listed in item (iii) of Appended Table 1 of the Order for Enforcement of the Act on the Securing of Safety and the Optimization of Transaction of Liquefied Petroleum Gas (Cabinet Order No. 14 of 1968) (excluding outdoor type heaters)
- (iii) oil water heaters
- (iv) bath boilers with the gas burner listed in item (iii) of Appended Table 1 of the Order for Enforcement of the Gas Business Act (excluding outdoor type bath boilers)
- (v) bath boilers with the liquefied petroleum gas burner listed in item (v) of Appended Table 1 of the Order for Enforcement of the Act on the Securing of Safety and the Optimization of Transaction of Liquefied Petroleum Gas (excluding outdoor type bath boilers)
- (vi) oil bath boilers
- (vii) electric dishwashers listed in item (viii), 27 of Appended Table 2 of the Order for Enforcement of the Electrical Appliances and Materials Safety Act (Cabinet Order No. 324 of 1962) (limited to those designed to be built in integrated kitchen systems (meaning products which are manufactured in the form where a kitchen sink, kitchen counter, cupboards, and other apparatuses or facilities necessary for cooking food are integrated) which use electricity as the source of heat)
- (viii) hot air heaters listed in item (viii), 48 of Appended Table 2 of the Order for Enforcement of the Electrical Appliances and Materials Safety Act (limited to enclosed combustion types of which the amount of consumed kerosene is not more than 12 kilowatts)
- (ix) electric dryers listed in item (viii), 60 of Appended Table 2 of the Order for Enforcement of the Electrical Appliances and Materials Safety Act (limited to those for use in bathrooms which have an electric heating device)

Appended Table 4 (Re: Article 18)

(i) Ship Safety Act (Act No. 11 of 1933)	Items pertaining to the particulars listed in the items of Article 2, paragraph (1) of the Ship Safety Act
(ii) Road Trucking Vehicle Act (Act No. 185 of 1951)	Automobile devices listed in the items of Article 41 of the Road Trucking Vehicle Act and motorized bicycle devices listed in Article 44, items (iii) through (xi) of the same Act