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Laws :Air & Transportation

The Law Concerning Special Measures for Total Emission Reduction of Nitrogen Oxides from Automobiles in Specified Areas

(Tentative Translation)

Law No. 70 of 1992

Article 1
(Purpose)

In consideration of the problem of air pollution brought about by nitrogen oxides emitted from automobiles, the purpose of this law is to clarify the responsibilities of the national government, local government, enterprises, and citizens towards preventing such pollution. At the same time, with regard to specific areas in which such pollution is most severe, the law also sets forth the fundamental policies and plans for reducing the total volume of automobile emitted nitrogen oxide, establishes nitrogen oxides emission standards for specific automobiles which are registered in those areas, and employs necessary measures for restricting the amount of nitrogen oxides emissions resulting from use of automobiles for business activities, in order to achieve environmental quality standards for air pollution caused by nitrogen dioxide, combined with the measures based on the Air Pollution Control Law (Law No.97 of 1968) and others and therefore protect the health of the citizens and provide a secure living environment.

Article 2
(Definitions)

For the purposes of this law, "automobiles" are defined as those motor vehicles (excluding large and small sized special vehicles) set forth in Article 2, Paragraph 2 of the Road Vehicles Act (Law No. 185 of 1951).

2. For the purposes of this law, "automobile emitted nitrogen oxides" are defined as nitrogen oxides which are emitted into the air during the operation of automobiles.

Article 3
(Obligations of the national and local government)

The national government shall be charged with establishing and carrying out basic and comprehensive measures related to the prevention of air pollution resulting from automobile emitted nitrogen oxides (including measures relating to automobile emitted nitrogen oxides based on the provisions of chapter3, 4, and 5 of the Air Pollution Control Law). At the same time, national government is required to make every effort to provide advice and any other means which are necessary to promote the carrying out of the measures adopted by local government to prevent air pollution caused by automobile emitted nitrogen oxides.

2. Local government must make every effort to enforce the measures regarding prevention of air pollution caused by automobile emitted nitrogen oxides, which are enacted in correspondence with the environmental and social conditions of each individual area.

Article 4
(Obligations of enterprises)

Enterprises must with regard to their automobile for their business activities, make every effort to curb the output of nitrogen oxides emissions from such vehicles, through rationalization of automobile use and any other means necessary, and cooperate in the measures to prevent air pollution caused by automobile emitted nitrogen oxides which are implemented by national and local government.

2. Enterprises engaged in the manufacturing and/or sale of automobiles are required to make every effort in the course of manufacturing and/or sale the relevant automobiles to prevent air pollution caused by automobile emitted nitrogen oxides which are released when automobiles are operated.

Article 5
(Obligations of citizens)

Citizens are required, in driving or operating automobiles, or in using public transportation, to make every effort to curb the output of automobile emitted nitrogen oxides, and at the same time to cooperate in measures enacted by national and local government to prevent air pollution caused by automobile emitted nitrogen

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oxides.

Article 6 (Fundamental policy for total volume reduction)

The national government shall establish a fundamental policy regarding the reduction of the total volume of automobile emitted nitrogen oxides (herein after called "fundamental policy for total volume reduction") for specified areas designated by Cabinet Order, where automobile transportation is so concentrated that the emission standards under Article 3, Paragraph 1 or 3, or Article 4, Paragraph 1 of the Air Pollution Control Law, and/or the total mass emission control standards under Article 5-2, Paragraphs 1 or 3 of the same law, and the measures stipulated under Article 19 of the same law alone are not sufficient to preserve the standards regarding environmental conditions related to air pollution (Only with regards to nitrogen dioxide. Called "air quality standards regarding nitrogen dioxide" in Paragraph 2 number 3 of the next Article.) as stipulated in Article 9, Paragraph 1 of the Basic Law for Environmental Pollution Control (Law No. 132 of 1967) ()such areas hereinafter called "specified areas").

2. The following matters shall be stipulated within the fundamental policy to reduce the total volume of emissions:
 1. Targets regarding the reduction of the total volume of automobile emitted nitrogen oxides in specified areas
 2. Fundamental matters relating to the formulation of the emission reduction plans mentioned in Paragraph 1 of the following Article and such other measures to reduce the total volume of automobile emitted nitrogen oxides in specified areas
 3. Any other important matters in addition to matters mentioned in 2. above which relate to the reduction of the total volume of automobile emitted nitrogen oxides in specified areas
3. Prefectures can, if they include certain areas recognized as meeting the conditions of the areas designated by Cabinet Order under Paragraph 1, offer the Prime Minister to draft the Cabinet Order which stipulates the specific areas mentioned in the same Paragraph.
4. The Prime Minister must hear the opinions of the concerned prefectures when drafting the implementation, revision, or abolition of the Cabinet Order designating the areas described in Paragraph 1.
5. The Prime Minister must draw up a proposal for fundamental policy for total volume reduction, and submit it to the cabinet for a determination.
6. The Prime Minister must, when drawing up such proposal for the fundamental policy for total volume reduction, consult in advance with the ministers charged with the affairs related to the measures prescribed in Paragraph 2, number 2, as well as hearing the opinions of the concerned prefectures.
7. The Prime Minister shall, without delay, notify the governors of the concerned prefectures of the fundamental policy when a determination is reached by the cabinet as stipulated in Paragraph 5 above.
8. The provision of last 3 paragraphs shall apply correspondingly to revisions of the fundamental policy for total volume reduction.

Article 7 (Total volume reduction plans)

- Prefectural governors in the specified areas must formulate plans regarding measures which should be implemented in order to reduce the total volume of automobile emitted nitrogen oxides within the relevant specified areas (hereinafter called "total volume reduction plans"), based on the fundamental policy for total volume reduction.
2. Total volume reduction plans shall stipulate the matters prescribed in 4. and 5. according to the stipulations of a Cabinet Order, with regard to the relevant specified areas, aiming at reducing the total volume mentioned in number 1. to the total volume mentioned in number 3., giving consideration to the ratio of the total volume of 2. to that of 1., the present and forecasted volume of automobile traffic and trends of both automobile emitted nitrogen oxides and nitrogen oxides emissions from sources other than automobiles.
 1. Total volume of nitrogen oxides produced and emitted into the air as a result of business activities and any other human activities within the relevant specified area
 2. Total volume of automobile emitted nitrogen oxides within the relevant specified area
 3. Total volume assessed by order of the Prime Minister's Office concerning nitrogen oxides produced and emitted into the air as a result of business activities and any other human activities within the relevant specified area, taking into consideration the air quality standards relating to nitrogen dioxide.
 4. Reduction target with regard to the total volume mentioned in 2. (includes intermediate reduction targets when they will be established)
 5. Time period and methods for accomplishing the plan
 3. The prefectural governors must, in setting forth their total volume reduction plans, hear the opinion of the council for forming total volume reduction plan, as well as obtain approval from the Prime Minister.
 4. The Prime Minister must, in granting the approval mentioned in the previous paragraph, put the matter before an environmental pollution countermeasures strategy meeting for deliberation.
 5. The prefectural governors must publicly announce all matters prescribed in each item of Paragraph 2 when setting forth the emissions reduction plans.
 6. The provision of last 3 paragraphs shall apply correspondingly to revisions of the emissions reduction plans.

Article 8 (Council for formulating total volume reduction plan)

In prefectures which include wholly or partially the specified areas, when such specified areas are stipulated under the provisions of Article 6, Paragraph 1, council for formulating total volume reduction plan (hereinafter in this Article called "the council") shall be established for the purpose of studying and deliberating matters to be included in the total volume reduction plan.

2. The council shall be composed of the prefectural governor, prefectural public safety commission, related municipalities (including special wards), related local administrative organs, and related road operators. The general affairs of the council shall be managed in the prefecture which is under the control of the relevant governor.

3. Necessary matters in addition to those specified above, concerning the organization and operation of the council, shall be governed by the applicable regulations of the prefecture.

Article 9 (Promotion of total volume reduction plans achievement)

National and local government shall make every effort to implement the necessary measures to achieve the total volume reduction plans.

Article 10 (Specified vehicles emission standards)

Regarding automobiles which are stipulated by Cabinet Order as being a primary cause of air pollution in specified areas due to their automobile emitted nitrogen oxides when in use, and are registered in specified areas (called "specified vehicles" in the following Paragraph), the Prime Minister must, through an order of the Prime Minister's Office, establish standards related to the emission of nitrogen oxides (hereinafter called "specified vehicles emission standards"), giving consideration to vehicle categories, the state of automobile emitted nitrogen oxides from each vehicle category in specified areas, etc.

2. Specified vehicles emission standards shall, with regard to the volume of automobile emitted nitrogen oxides produced and released into the air through the operation of specified vehicles under specific conditions, be fixed as permissible limits for each gross vehicle weight (defined as gross vehicle weight mentioned in Article 40, number 3 of the Road Vehicles Act) classification of specified vehicles, which classifications shall be prescribed by order of the Prime Minister's Office.

3. The Prime Minister must, in implementing the specified vehicles emission standards, hear the opinions of prefectures which are composed either entirely or in part of the specified areas. The same condition also applies in cases where such standards are being revised or altered.

Article 11 (Transitional measures)

With regard to vehicles which are stipulated under the Cabinet Order of Paragraph 1 of the previous Article (hereinafter within this paragraph called "designated vehicles") which continue to be registered and used within a specified area by a person or persons who are actually using the vehicles within a specified area when the area is designated as a specified area and/or a person or persons who are actually using the vehicles within a specified area when the vehicles are designated as designated vehicles the specified vehicles emission standards shall not be applied for a period of time stipulated by Cabinet Order, corresponding to classifications of automobile type and age (defined as the period of time from the date the automobile was first available for operation according to the provisions of Article 4 of the Road Vehicles Act, to the date the area is designated as a specified area, and/or the vehicle is designated as a designated vehicle) stipulated by Cabinet Order.

2. The Prime Minister must hear the opinions of the concerned prefectures at the time of drafting the enactment, revision, or abolition of Cabinet Orders which stipulate the classifications and/or time periods mentioned in the previous paragraph.

Article 12

(Directives based on the Road Vehicles Act related to specified vehicles emission standards)

The Minister of Transport shall be required to issue directives based on the Road Vehicles Act, considering the specified vehicles emission standards to be guaranteed, in order to advance the prevention of air pollution caused by automobile emitted nitrogen oxides.

Article 13 (Guidelines for enterprises)

As a means of controlling air pollution due to automobile emitted nitrogen oxides in specified areas, ministers having jurisdiction over manufacturing, transport, and other industries (hereinafter in this Article called "ministers with business jurisdictions") can, establish guidelines for persons and/or enterprises conducting business within their jurisdiction to control the output of automobile emitted nitrogen oxides through promoting rationalization or other necessary measures concerning the use of automobiles for business activities.

2. The minister of Environment Agency can present opinions to the ministers with business jurisdictions concerning the guidelines mentioned in the previous paragraph, when determined as necessary in order to curb the output of automobile emitted nitrogen oxides in specified areas.

3. In reference to the guidelines mentioned in paragraph 1 Ministers with business jurisdictions can provide necessary instruction and advice to the persons and/or enterprises engaged in the business within their jurisdiction regarding the control of automobile omitted nitrogen oxides through rationalization and other necessary measures concerning the use of automobiles for business activities when determined as necessary in order to curb the output of automobile emitted nitrogen oxides in specified areas.

4. The Minister of Environment Agency can, request the ministers with business jurisdictions to provide the instruction and advice stipulated in the last paragraph, when determined as necessary in order to curb the output of automobile emitted nitrogen oxides in specified areas.

5. When the instruction and advice stipulated in Paragraph 3 is judged as being necessary in order to curb the output of automobile emitted nitrogen oxides in specified areas, the relevant prefectures which are wholly or partially comprised of the specified areas can ask the Minister of Environment Agency to make the request mentioned in the last paragraph.

Article 14 (Requests for submission of documents, etc.)

The Minister of Environment Agency can, request the governors of the concerned local government to submit necessary documents and/or provide explanations when recognized as necessary in order to achieve the aims of this law.

2. Prefectures can, request the governors of concerned governmental institutions and local government as well as related road operators, for sending of necessary documents or other cooperation, and can also express their opinions to such parties concerning the prevention of air pollution caused by automobile emitted nitrogen oxides.

Article 15 (Governmental Aid)

The national government shall strive to provide the necessary financial aid, technical assistance, and other support in order to promote the development and use of electric automobiles (defined as automobiles which use only electricity as an energy source) or other automobiles which do not emit nitrogen oxides at all or whose emissions of such are of tolerably small amounts during operation, as well as to promote the conversion to automobiles which emit smaller amounts of nitrogen oxides.

Article 16 (Transitional measures)

When directives are instituted, revised, or abolished based on the provisions of this law, transitional measures can be enacted on the directives, to the extent of being judged as rationally necessary.

Chapter I APPENDIX

(Date of enforcement)

1. This law shall be enforced on a date stipulated by Cabinet Order, which can't exceed six (6) months from the date of its official promulgation. Notwithstanding, provisions under Article 6, Paragraphs 3, 4, 5 (limited to portions relating to the drafting of the fundamental policy for total volume reduction), and 6, as well as Paragraphs 2, 3, and 4 of this Appendix shall be enforced on the date of official promulgation, and provisions under Article 10 (excluding Paragraph 3), Article 11, Paragraph 1, and Article 12 shall be enforced on a date stipulated by Cabinet Order, which can't exceed eighteen (18) months from the date of official promulgation.

(Partial revision of the Environment Agency Establishment Law)

2. Portions of the Environment Agency Establishment Law (Law No. 88 of 1971) shall be revised as follows.
The phrase reading "... and the studded tires regulation law (Law No. 55 of 1990)n Article 4, Paragraph 14 shall be revised to read "..., the studded tires regulation law (Law No. 55 of 1990), and The Law Concerning Special Measures for Total Emission Reduction of Nitrogen Oxides from automobiles in Specified Area (Law No. 70 of 1992)

(Partial Revision of the Ministry of Agriculture, Forestry, and Fishery Establishment Law)

3. Portions of the Ministry of Agriculture, Forestry, and Fishery Establishment Law (Law No. 153 of 1949) shall be revised as follows.
The phrase reading "the next item" in Article 4, number 79 shall be revised to read "number 80", and the following item shall be inserted immediately after item number 79.
No. 79-2: To manage the affairs included in the jurisdiction of matters concerning the enforcement of the Law Concerning Special Measures for Total Emission Reduction Nitrogen Oxides from Automobiles in Specified Areas (Law No. 70 of 1992).

(Partial Revision of the Ministry of International Trade and Industry Establishment Law)

4. Portions of the Ministry of International Trade and Industry Establishment Law (Law No. 275 of 1952) shall be revised as follows.
Number 44 of Article 4 shall be renumbered as number 43-2, and the following item shall be inserted immediately after item 43-2.
No. 44: Matters related to the enforcement of the Law Concerning Special Measures for Total Emission Reduction of Nitrogen Oxides from Automobiles in Specified Areas (Law No. 70 of 1992).

The phrase "number 44" in Article 4, Number 56 shall be revised to read "number 43-2".
The phrase "numbers 43 and 44" in Article 19 shall be revised to read "numbers 43 through 44".



Ministry of the Environment Government of Japan (JCN1000012110001)
Godochosha No. 5, Kasumigaseki 1-2-2, Chiyoda-ku, Tokyo 100-8975, Japan. [Location](#)
Tel: +81-(0)3-3581-3351 E-mail: <https://www.env.go.jp/en/moemail/>
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