

(Provisional translation)

IMPORT TRADE CONTROL ORDER

(Cabinet Order No. 414, December 1949)

Final Amendment: (Cabinet Order No. 373, 5 November 1987)

The Cabinet hereby establishes this Cabinet Order for the purpose of enforcement and on the basis of Article 26, Article 27, paragraph 1, Item 1, Article 52, Article 54, Article 55, Article 66, Article 67, Article 69 and paragraph 4 of the Supplementary Provisions of the Foreign Exchange and Foreign Trade Control Law (Law No. 228 of 1949).

(Purpose)

Article 1. The purpose of this Cabinet Order is to provide for the necessary control with regard to import trade.

Article 2. Deleted.

(Publication of matters relating to import)

Article 3. 1. The Minister of International Trade and Industry shall designate and publish items of goods for which allocation of import quotas must be obtained, places of origin or shipment areas of goods for which approval of import must be obtained and other necessary matters relating to import of goods. However, where, with regard to certain matters, the Minister deems that it is not appropriate to publish them, he shall not be required to do so.

2. When the Minister of International Trade and Industry designates, pursuant to the provision of the preceding paragraph, an item of goods for which the obtaining of import quota allocation is required, he shall first obtain the consent of the Minister with jurisdiction for that item of goods.

(Approval of import)

Article 4. 1. A person desiring to import goods shall, when the import comes under any one of the following items, obtain approval of import by submitting the application to the Minister of International Trade and Industry in accordance with the procedure established by an Ordinance of the Ministry of International Trade and Industry:

- (1) Where it is required to obtain allocation of import quota provided for in paragraph 1, Article 9 for import of the goods;
- (2) where specific place(s) of origin or specific shipment area(s) has (have) been published for the goods pursuant to the provision of paragraph 1 of the preceding Article, when the goods are imported from the designated place(s) of origin or from the designated shipment area(s);
- (3) when the goods are imported by either of the following methods of payment:
 - (i) method of payment under item (1) or (2), paragraph 1, Article 7 of the Foreign Exchange Control Order (Cabinet Order No. 260 of 1980);
 - (ii) method of payment designated as special by the Minister of Finance.
- (4) besides the cases mentioned in the foregoing three items, where necessary matters relating to import of the goods have been published pursuant to the provision of paragraph 1 of the preceding Article.

2. In cases excepting those mentioned in items (2) and (3) of the preceding paragraph, when a person desiring to import goods has obtained approval of import as a result of the application made to an Authorized Foreign Exchange Bank (hereinafter referred to as "the Bank") in accordance with the procedure established by an Ordinance of the Ministry of International Trade and Industry, he shall not be required, notwithstanding the provision of that paragraph, to obtain in effecting the import by virtue of such approval granted approval of import provided for in that paragraph.

3. The Bank, when it has received the application mentioned in the preceding paragraph, if the import under the application comes under each of the following items, shall approve the application and issue to the applicant certificate of import approval:

- (1) Where the import is effected within the scope of the publication made in regard to matters relating to the goods as provided for in paragraph 1 of the preceding Article;
- (2) in the case where for import of the goods it is required to obtain allocation of import quota provided for in paragraph 1, Article .. when the allocation has been granted to the person desiring to import the goods, or when, in the case where the import is effected by the person entrusted to do so by the person granted the allocation, comes under a case as stipulated by the Minister of International Trade and Industry as provided for in the proviso of that paragraph for the import the confirmation under the same proviso has been obtained.

4. A person desiring to import goods from a party abroad in a continuous trade relationship with him or with an arrangement under which the payment is effected through that party, when the goods are to be imported for a certain period, using a method of payment which comes under the provision of (i) or (ii) of item (3), paragraph 1 and which is to be specified by the Minister of Finance and the Minister of International Trade and Industry in special consideration of such a trade relationship, may obtain from the Minister of International Trade and Industry, in accordance with the procedure established by an Ordinance of the Ministry of International Trade and Industry, confirmation that the import intended is in conformity with specific requirements laid down by the Minister of Finance and the Minister of International Trade and Industry in connection with the party abroad, the specified method of payment, scope of the import to be effected by the method and other matters relating to the payment for the goods to be imported for the purpose of ensuring the complete enforcing of the provision of the aforesaid paragraph.

5. When the person mentioned in the preceding paragraph has obtained the confirmation mentioned in the same paragraph, he shall not be required notwithstanding the provision of item (3), paragraph 1, to obtain approval of import provided for therein when he imports the goods with that confirmation in a period from the date when it was given until the date designated by the Minister of International Trade and Industry at the time when he gave it. However, this provision shall not apply when the import comes under any of the items (1), (2) and (4) of the latter paragraph.

6. In addition to the case as stipulated in paragraph 2, when, in a case coming under item (4), paragraph 1, publication made as a necessary matter in respect of a given item of goods in accordance with the provision of paragraph 1 of the preceding Article provides for a certain procedure which must be followed when importing that item of goods, and lays down that, when such procedure has been gone through, it is not necessary to obtain approval of import provided for in paragraph 1 when importing the goods, such approval of import shall not be required, notwithstanding the provision of that paragraph, when the import is effected by going through that formality.

7. Besides the cases provided for in paragraph 2 and the preceding two paragraphs, when a person, who exported goods, as materials to be processed, with the approval granted him under item (2), paragraph 1, Article 2 of the Export Trade Control Order (Cabinet Order No. 378 of 1949) authorizing the export of goods which is to be made on a contract for processing deal concluded with a party abroad for processing abroad on commission, imports, subject to the provisions of an Ordinance of the Ministry of International Trade and Industry, the goods thus processed, approval of

import provided for in paragraph 1 shall not be required, notwithstanding of the provision of that paragraph.

Article 5. 1. The validity term of approval of import provided for in paragraph 1 or 2 of the preceding Article shall be six (6) months from the date when such approval was granted.

2. The Minister of International Trade and Industry, when he deems it necessary to do so in consideration of special circumstances, may designate a validity term different from that mentioned in the preceding paragraph or extend the validity term of the approval of import.

3. Notwithstanding the provisions of the preceding two paragraphs, the Bank may, with authorization of the Minister of International Trade and Industry, give approval of import with a validity term different from that stipulated under paragraph 1 or that designated in accordance with the provision of the preceding paragraph, or extend the validity term of the approval of import.

From Article 6 to Article 8. Deleted.

(Allocation of import quota)

Article 9. 1. A person desiring to import goods of an item published as or to be subject to import quota allocation as provided for in paragraph ... Article 3 may not be granted approval of import provided for in paragraph 1 or 2, Article 4, unless he first obtains allocation of an import quota for the goods as a result of the application made to the Minister of International Trade and Industry. However, this provision shall not apply when in the case where the import is effected by a person entrusted to do so to the person granted the import quota allocation, it comes under a case stipulated by the Minister of International Trade and Industry or for the import the confirmation of the Minister has been obtained.

2. Allocation of import quota pursuant to the provision of the preceding paragraph shall be made in terms of quantity. However, when it is difficult or not appropriate to make the allocation in terms of quantity, it may be made in terms of value.

3. When the Minister of International Trade and Industry allocates an import quota in accordance with the provision of paragraph 1, he shall do so within the scope he decides with the prior consent of the Minister with jurisdiction for the item of goods, and shall have consultation with that Minister.

4. The Minister of International Trade and Industry, when he has made allocation as provided for in paragraph 1, shall issue a certificate of import quota allocation to the person granted the allocation.

5. The procedure relating to the allocating of import quotas shall be prescribed by an Ordinance of the Ministry of International Trade and Industry.

Article 10. Deleted.

(Conditions for approval of import, etc.)

Article 11. 1. The Minister of International Trade and Industry, when he deems it necessary to do so for the sound development of foreign trade and the national economy, may, in making approval of import under paragraph 1, Article 4, or confirmation under paragraph 4 of that Article, or import quota. Where a person mentioned in Article 9, attach conditions in regard to period in which the import is to effected, place of origin, shipment area and other matters relating to the import.

2. In giving approval of import provided for in paragraph 2, Article 4, the Bank shall, subject to instruction of the Minister of International Trade and Industry, attach conditions in regard to matters relating to the import.

3. A person on whom, pursuant to the provisions of the preceding two paragraphs, certain conditions have been imposed with regard to the import he intends to make shall observe such conditions.

(Consultation and concurrence between the Ministers)

Article 12. 1. The Minister of Finance, when he specifies a method of payment applicable under the provision of (ii), item (3), paragraph 1, Article 4, shall first consult with the Minister of International Trade and Industry.

2. The Minister of International Trade and Industry, when he grants approval of import provided for in item (3), paragraph 1, Article 4, or gives confirmation provided for in paragraph 4 of that Article, shall first obtain the consent of the Minister of Finance.

Article 13. Deleted.

(Exceptions)

Article 14. The provisions of Article 4 and Article 9 shall not apply in the cases enumerated below:

- (1) Where the goods given in ANNEX I are imported;
- (2) where a person mentioned in a left-side column of ANNEX II imports the goods listed in the corresponding right-side column, carrying them with him on his entering Japan, or, when the goods are sent in a separate shipment, imports them, making for the import a customs declaration on his entering Japan;
- (3) where goods are temporarily landed.

(Verification by customs)

Article 15. The customs, in clearing goods, shall confirm, under instruction of the Minister of International Trade and Industry, that the person importing the goods has obtained the approval of import or that he required to obtain the approval.

(Reports)

Article 16. The Minister of International Trade and Industry may c.. only to the extent required to enforce the provisions of this Cabinet Order, necessary reports from person intending to import goods or who have imported goods.

(Post examination of import)

Article 17. The Minister of International Trade and Industry shall co-examination as to whether the import of goods has been effected in conformity with the relevant provisions of law and regulation by initiation of the documents submitted pursuant to the provision of the preceding Article or the provision of paragraph 2, Article 5 of the Foreign Exchange Control Order.

(Delegation of powers)

Article 18. The following powers of the Minister of International Trade and Industry shall be delegated to the Director-General of Customs:

- (1) Among the powers provided for in paragraph 1, Article 4, the p.. pertaining to import of the goods which are within the scope prescribed by an Ordinance of the Ministry of International Trade and Industry;

- (2) under the provision of paragraph 2, Article 5, the power to designate within the limit indicated by the Minister of International Trade and Industry, a validity term of approval of import different from that prescribed in paragraph 1 of that Article, or to extend the validity term of the approval of import for a period not exceeding one month;
- (3) of the powers of approval under paragraph 3, Article 5, the powers authorize the Bank to extend, on the basis of the provision of the same paragraph, the validity term of approval of import for a period not exceeding one month;
- (4) under the provision of paragraph 1, Article 11, the power to at.. conditions in connection with the granting of approval of import the goods as specified in item (1).

(Delegation of business)

Article 19. Business mentioned in each item hereunder shall be entrusted to the Bank of Japan:

- (1) Business relating to confirmation provided for in paragraph 4, Article 4 (including the obtaining of the consent provided for in paragraph .. , Article 12 as required thereunder in connection with such confirmation) and of affairs such as are designated by an Ordinance of the Ministry of International Trade and Industry;
- (2) business relating to the collecting of reports as provided for in Article 16 and of affairs such as are designated by an Ordinance of the Ministry of International Trade and Industry;
- (3) business relating to examination provided for in Article 17 and of affairs such as are designated by an Ordinance of the Ministry of International Trade and Industry.

(Import by government agencies)

Article 20. 1. When government agencies import goods to be designated by the Minister of International Trade and Industry, the provisions of this Cabinet Order shall not apply. When government agencies other than the Minister of International Trade and Industry intend to import goods, they shall first consult with the Minister of International Trade and Industry.

2. The provision of Article 15 shall apply, *mutatis mutandis*, in cases of the import under the preceding paragraph.

(Provisional Translation)

Rev.4/Apr.13/95

Ministry of International Trade and Industry Notification No. 715

Notice is hereby given that, pursuant to paragraph 1 of Article 3 of the Import Trade Control Order (Cabinet Order No. 414 of 1949), the undersigned has established the following regulations to govern emergency measures to be taken in response to an increase in the importation of goods, which regulations shall become effective from and including the day when the Marrakesh Agreement Establishing the World Trade Organization becomes effective and binding on Japan [1 January 1995].

Dated this 28th day of December 1994.

Ryutaro Hashimoto
Minister of International Trade and Industry

Regulations to Govern Emergency Measures to Be Taken
in Response to an Increase in the importation of Goods

Article 1. (Purpose)

The purpose of these Regulations shall be to provide for those matters that may be necessary for the importation of goods to implement the provisions of Article XIX of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the "General Agreement") in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, and the provisions set forth in the Agreement on Safeguards (hereinafter referred to as the "Safeguards Agreement"), which constitutes a part of such Annex 1A.

Article 2. (Measures concerning emergency import quotas)

The Minister of International Trade and Industry shall comply with the provisions set forth in Article 3 through 20 hereof when he or she, based on the fact that a particular product is being imported into Japan in increased quantities (or in an increased ratio relative to the total domestic production) due to a decrease in the market price of such particular product in any foreign market or of any other unforeseen change in the circumstances - such fact being hereinafter referred to as the "Fact of Increased Importation" - and that the importation into Japan of such particular product in such increased quantities is causing or threatening to cause serious injury to the "Domestic Industry Concerned" (which term as used herein in connection with any particular product shall mean those domestic producers whose collective output of like products and those other products which directly compete with such particular product in terms of their use (those products being hereinafter collectively referred to as "Like Products etc.") constitutes at least a major proportion of the total domestic production of Like Products etc.) - such fact being hereinafter referred to as the "Fact of Serious Injury to the Domestic Industry Concerned" - finds that it is urgently necessary for him or her to do so for the national economy, and, pursuant to paragraph 1 of Article 3 of the Import Trade Control Order, makes such particular product subject to an import quota hereunder and determines such other conditions as may be necessary for the importation of such particular product including but not limited to the period during which such particular product shall remain subject to an import quota hereunder and the collective size of such import quota, and gives public notification of such determination.

Article 3. (Products ineligible for import quotas)

No textile products etc. listed in the Schedule attached to the Regulations to Govern Emergency Measures to be Taken in Response to the Importation of Textile Products etc. in Increased Quantities (Ministry of International Trade and Industry Notification No. 667 of 1994) shall be eligible to be made subject to any import quota under Article 2 hereof.

Article 4. (Duration of import quotas)

No particular product shall remain subject to any import quota under Article 2 hereof for a period in excess of four years; provided that when calculating the duration of any import quota introduced thereunder with respect to any particular product for the purpose of this Article or any of the following articles hereof, the period, if any, during which such particular product was subject to any provisional measure under Article 6 of the Safeguards Agreement shall be included.

Article 5. (Collective size of import quotas)

1. The collective size of any import quota introduced with respect to any particular product under Article 2 hereof shall be at least equal to the average quantity level of import into Japan of such particular product during the appropriate 3-year period immediately preceding the introduction of such import quota, unless a different size is particularly required for the purposes of sustaining the national economy.

2. The Minister of International Trade and Industry may allocate shares in any import quota, as referred to in paragraph 1 of this Article, introduced with respect to any particular product among supplying countries and territories.

3. Allocation in accordance with paragraph 2 of this Article shall, when any international agreement on how to allocate shares in such quota has been reached between Japan and other countries and territories which have a substantial interest in supplying the particular product to Japan, be governed by such international agreement.

4. For the purposes of any allocation in accordance with paragraph 2 of this Article, in cases where an international agreement referred to in paragraph 3 of this Article has not been reached, the share of any import quota introduced hereunder with respect to any particular product to be allocated among those countries and territories which have a substantial interest in supplying the particular product to Japan shall be determined based on the ratio that the quantity or value of importation into Japan of that particular product of that country or territory's origin during an appropriate period immediately preceding the introduction of the quota may bear to Japan's total import in quantity or value, as the case may be, of such particular product from all sources during that period.

5. Notwithstanding anything to the contrary set forth in paragraph 4 of this Article, if and to the extent that the Minister of international Trade and Industry finds that the import into Japan from any particular country or territory of origin of any particular product which is subject to an import quota hereunder is increasing so substantially and more rapidly than the import of such particular product from all the countries and territories of origin as a group, that it is causing serious injury to the Domestic Industry Concerned and that he or she has just reason to do so, he or she may conduct the allocations of shares of the import quota pursuant to the provisions of paragraph 2 of this Article in any manner other than set forth in paragraph 4 of this Article.

Article 6. (Products originating in small supplier developing countries)

In cases where there is included among those particular products which are subject to any import quota introduced pursuant to Article 2 hereof any product originating in any developing country or countries whose respective shares of imports of the product concerned in Japan is small (such product being hereinafter referred to as "Product Originating in Small Supplier Developing Countries"), all the countries and territories except for such developing countries shall be designated as the countries or territories of origin of such product subject to the import quota.

Article 7. (Progressive liberalization of measures taken hereunder)

If the duration of any import quota introduced under Article 2 hereof is over one year, measures taken in order to implement such import quota under said Article 2 (hereinafter referred to as "Emergency Import Quota") shall be progressively liberalized at regular intervals during its duration.

Article 8. (Investigations)

The Minister of international Trade and Industry shall, if he or she finds that there is sufficient evidence to show that a Fact of Increased Importation is in existence with respect to any particular product and that a Fact of Serious Injury to the Domestic Industry concerned is resulting therefrom (including the case where he or she receives from any of the State Ministers having jurisdiction over such particular product a request to initiate an investigation hereunder, which request shall be accompanied by sufficient evidence thereof) and based on such finding or request further finds that it is necessary to do so, conduct an investigation to verify whether such Facts are in fact in existence.

Article 9. (Notice to other State Ministers concerned)

The Minister of international Trade and Industry shall, when he or she initiates an investigation with respect to any particular product pursuant to Article 8 hereof (hereinafter referred to as "Investigation"), so notify the State Ministers having jurisdiction over such particular product and the Minister of Finance in advance.

Article 10. (Notification of the initiation of an Investigation)

The Minister of International Trade and Industry shall, when he or she decides to initiate an Investigation with respect to any particular product, promptly give in the *Kampo* (Official Gazette) public notification of such decision and of:

- (i) the description of such particular product;
- (ii) the date when the Investigation shall be initiated;
- (iii) the period covered by the Investigation;
- (iv) the general aspects of the Investigation;
- (v) the due date for the presentation of evidence and testimony under the first sentence of paragraph 1 of Article 12 hereof, the period during which the inspection of evidence under paragraph 1 of Article 13 hereof shall be allowed, the due date for the presentation of views under paragraph 1 of Article 14 hereof and the due date for the furnishing of information under paragraph 1 of Article 15 hereof; and
- (vi) such additional matters as may be relevant to the Investigation.

Article 11. (Period in which to complete an Investigation)

1. Every Investigation initiated hereunder shall be completed within one year following the date of its initiation; provided, however, that such period may be extended if and to the extent considered necessary for any special reason or reasons.

2. The Minister of International Trade and Industry shall, when he or she decides to extend the period in which to complete an Investigation hereunder pursuant to the proviso to paragraph 1 of this Article, promptly give in the *Kampo* (Official Gazette) public notification of such decision as well as of the period in which to complete the Investigation as extended and the reason or reasons for the extension.

Article 12. (Submission of evidence)

1. In cases where an Investigation is initiated hereunder with respect to any particular product, Interested Parties - which term as used herein and hereinafter with respect to any particular product shall mean and include exporters and producers of such particular product and their associations (a majority of whose direct and indirect membership consists of such exporters and/or producers), importers of such particular product and their associations (a majority of whose direct and indirect membership consists of such importers), (domestic producers of like products etc. and their associations (a majority of whose direct and indirect membership consists of such domestic producers) and labour unions representing either directly or indirectly those workers who are engaged in the domestic production of any of Like Products etc. (a majority of whose direct or indirect membership consists of such workers) - may, on or before the due date which is referred to in item (v) of Article 10 hereof and of which notification is duly given pursuant to Article 10 hereof, submit or give to the Minister of International Trade and Industry evidence and/or testimony with respect to the relevant Facts mentioned in Article 8 hereof or any of them. A person who submits or gives any evidence and/or testimony pursuant to the foregoing shall, if he or she requests that any of the evidence and/or testimony which he or she is going to submit and/or any of the facts to be substantiated thereby be kept confidential, make a written request to that effect setting forth the reason or reasons for such request.

2. The Minister of International Trade and Industry may, if he or she finds it necessary to do so at any time during the continuance of any investigation hereunder, request any Interested Party or Parties to submit or give evidence and/or his, her or their testimony with respect to all or any of the

relevant facts mentioned in Article 8 hereof. A person who submits any evidence and/or testimony to comply with such request shall, if he or she requests that any of the evidence and/or testimony which he or she is going to submit be kept confidential, make a written request to that effect setting forth the reason or reasons for such request.

3. The Minister of International Trade and Industry shall, if he or she is notified by any Interested Party that such Interested Party is going to give testimony pursuant to the first sentence of paragraph 1 of this Article or if he or she requests and Interested Party to give testimony give such Interested Party written notice setting forth the particulars of the hearing of hearings at which such Interested Party may testify including but not limited to the date, place and time of such hearing or hearings.

4. The Minister of International Trade and Industry shall, if he or she finds that the evidence submitted to him or her pursuant to paragraph 1 or 2 of this Article includes any piece of evidence which needs to be treated confidential (such piece of evidence being hereinafter referred to as "Confidential Evidence"), request the party providing such Confidential Evidence to furnish a written non-confidential summary thereof.

5. Any party who is requested to furnish a non-confidential written summary of any Confidential Evidence pursuant to paragraph 4 of this Article shall, if he or she believes that such Confidential Evidence cannot be summarized, furnish the Minister of International Trade and Industry with a written statement setting forth such belief and the reasons therefor.

6. In cases where the party concerned who is requested to furnish a written non-confidential summary of any Confidential Evidence pursuant to paragraph 4 of this Article furnishes neither the written non-confidential summary thereof called for under said paragraph 4 nor the written statement called for under paragraph 5 of this Article or in cases where the Minister of International Trade and Industry finds that any written non-confidential summary furnished by such party with respect to any Confidential Evidence pursuant to said paragraph 4 or the written statement furnished by such party with respect thereto pursuant to said paragraph 5 is improper, the Minister of International Trade and Industry may disregard such Confidential Evidence.

7. In cases where any Interested Party requests that any evidence submitted by him or her pursuant to the first sentence of paragraph 1 or 2 of this Article be kept confidential but the Minister of International Trade and Industry determines that such evidence need not be kept confidential, he or she shall promptly notify such Interested Party of such determination and the reasons therefor. If, in this case, such Interested Party neither revokes his or her request for confidential treatment of any evidence submitted by him or her nor complies with the ministerial request for a written non-confidential summary of such evidence, the Minister of International Trade and Industry may disregard such evidence.

8. In cases where the Minister of International Trade and Industry decides, pursuant to either of the preceding two paragraphs of this Article, to disregard any evidence submitted by any Interested Party pursuant to the first sentence of paragraph 1 or 2 of this Article, he or she shall promptly notify such Interested Party of such decision and the reasons therefor in writing.

9. The provisions set forth in paragraphs 4 through 8 of this Article shall apply *mutatis mutandis* to any and all testimony given pursuant to the first sentence of paragraph 1 or 2 of this Article.

Article 13. (Inspection of evidence)

1. In cases where an Investigation is initiated hereunder with respect to any particular product, the Minister of International Trade and Industry shall make available for inspection by Interested Parties copies of all evidence and deposition statements containing the testimony given or submitted with respect to such particular product pursuant to the first sentence of paragraph 1 or 2 of Article 12 hereof on or before the relevant due date which is referred to in item (v) of Article 10 hereof and of which notification is duly given pursuant to Article 10 hereof and all other available evidence (excluding, however, evidence and deposition statements containing testimony which is by nature

confidential and/or which are provided by Interested Parties as confidential information) and copies of all written non-confidential summaries and written statements submitted to his or her pursuant to paragraph 4 or 5 of Article 12 hereof or the second sentence of paragraph 7 of Article 12 hereof (such available evidence and written materials being hereinafter in paragraph 2 of this Article collectively referred to as "Available Evidence").

2. Any Interested Party who wishes to inspect any Available Evidence pursuant to paragraph 1 of this Article 13 shall furnish the Minister of International Trade and Industry with a written statement setting forth the title of the particular item or items of the Available Evidence which he or she wishes to inspect and the reasons why he or she is an Interested Party.

Article 14. (Expression of views)

1. In cases where an Investigation is initiated hereunder with respect to any particular product, Interested Parties, as well as industrial users and distributors of such particular product and their associations (hereinafter referred to as "Industrial Users etc.") and major consumer associations which represent the interests of consumers of such particular product may, on or before the due date which is referred to in item (v) of Article 10 hereof and of which notification is duly given pursuant to Article 10 hereof, express to the Minister of International Trade and Industry their views on such Investigation in writing; provided, however, that no such major consumer associations may express their views thereon unless that particular product is distributed on a retail level.

2. The Minister of International Trade and Industry may, if he or she finds it necessary to do so at any time during the continuance of any Investigation hereunder, request any Interested Party or Parties, any one or more of Industrial Users etc. and/or any major consumer association or associations representing the interests of consumers of such particular product to express their views on such Investigation in writing.

Article 15. (Submission by Industrial Users etc. and consumer associations of information)

1. In cases where an Investigation is initiated hereunder with respect to any particular product, Industrial Users etc. and major consumer associations which represent the interests of consumers of such particular products may, on or before the due date which is referred to in item (v) of Article 10 hereof and of which notification is duly given pursuant to Article 10 hereof, provide the Minister of International Trade and Industry with any information relevant to any of the subjects of such Investigation in writing; provided, however, that no such major consumer associations may provide any such information unless that particular product is distributed on a retail level.

2. The Minister of International Trade and Industry may, if he or she finds it necessary to do so at any time during the continuance of any Investigation hereunder, request any one or more of Industrial Users etc. and/or any major consumer association or associations representing the interests of consumers of such particular product to provide any information relevant to any of the subjects of such Investigation in writing.

Article 16. (Seeking advice of the Export and Import Transaction Council)

The Minister of International Trade and Industry shall, when he or she finds that it is necessary to newly introduce any Emergency Import Quota hereunder or withdraw or liberalize any of the existing Emergency Import Quotas, promptly refer the matter to the Export and Import Transaction Council for their advice.

Article 17. (Notification of Emergency Import Quotas)

1. The Minister of International Trade and Industry shall, when he or she has decided to newly introduce any Emergency Import Quota hereunder or withdraw or liberalize any of the existing Emergency Import Quotas with respect to any particular product, promptly give in the *Kampo* (Official Gazette) public notification of such decision and of:

- (i) the description of such particular product;
- (ii) the duration of such new Emergency Import Quota (and, in case of withdrawal or liberalization of any existing Emergency Import Quota, the date when such withdrawal or liberalization shall become effective);
- (iii) in cases where there is included among those particular products which are subject to any Emergency Import Quota or quotas introduced hereunder any Product Originating in a Small Supplier Developing Country or Countries, the names of all the countries and territories of origin of that particular product;
- (iv) the facts found as a result of the Investigation made hereunder with respect to such particular product and the conclusions, if any, drawn therefrom. (This item (iv) shall not be applicable in case of withdrawal or liberalization of any existing Emergency Import Quota);
- (v) the nature of liberalization of such existing Emergency Import Quota, if applicable; and
- (vi) such additional matters as may be considered relevant.

2. The Minister of International Trade and Industry shall, when he or she has decided, based on the results of any Investigation made hereunder with respect to any particular product, not to introduce any Emergency Import Quota for such particular product, promptly give in the *Kampo* (Official Gazette) public notification of such decision and of:

- (i) the description of such particular product;
- (ii) the facts found as a result of such Investigation and the conclusions, if any, drawn therefrom; and
- (iii) such additional matters as may be considered relevant.

Article 18. (Extension of emergency import quotas)

1. In cases where the Minister of International Trade and Industry finds, at any time while an Emergency Import Quota remains effective with respect to any particular product, that a Fact of Serious Injury to the Domestic Industry Concerned will remain even after the expiry of the period during which such particular product is to remain subject to such Emergency Import Quota under Article 2 hereof because of the importation into Japan of such particular product in increased quantities and that the Domestic Industry Concerned is then in the process of structural adjustment, then he or she may extend the period during which such particular product shall remain subject to such Emergency Import Quota but so that such particular product shall not remain subject to such Emergency Import Quota for a period in excess of eight years in total, the provisions of Article 4 hereof notwithstanding; provided, however, that no such extension shall be made, if shares of such Emergency Import Quota have therefore been allocated in the manner specified in paragraph 5 of Article 5 hereof.

2. In cases where the duration of any Emergency Import Quota is extended pursuant to paragraph 1 of this Article, such Emergency Import Quota which remains effective during such extended duration shall be less import-restrictive than that which was effective immediately before such extension.

3. The provisions set forth in Article 8 through 17 hereof shall apply *mutatis mutandis* to all actions and findings referred to in paragraph 1 of this Article; provided that all references in paragraphs 1 and 2 of Article 12 hereof to "relevant Facts mentioned in Article 8 hereof" shall be deemed to be references to "relevant circumstances mentioned in paragraph 1 of Article 18 hereof".

Article 19. (Review of Emergency Import Quotas)

In cases where the duration of any Emergency Import Quota introduced under Article 2 hereof exceeds three years, the Minister of International Trade and Industry shall, in the middle of such period, review the situation with the view to withdrawal of, or increase in the pace of liberalization of, such Emergency Import Quota.

Article 20. (Period during which no Emergency Import Quotas are allowed)

No further or additional Emergency Import Quota shall be introduced hereunder with respect to any particular product with respect to which any Emergency Import Quota hereunder or other action under Article XIX (Emergency Action on Imports of Particular Products) of the General Agreement or under the Safeguards Agreement (such quota or other action being hereinafter collectively referred to as "Emergency Measure") has ever been introduced before, unless a period equal to the duration of such Emergency Measure or two years, whichever is longer, shall have passed after the expiry of such duration or unless the duration of such further or additional Emergency Import Quota does not exceed 180 days (such short-lived Emergency Import Quota being hereinafter referred to as "Short-lived Emergency Measure"); provided that nothing herein contained shall be deemed to preclude any Short-lived Emergency Measure from being taken hereunder, as long as:

- (i) such Short-lived Emergency Measure is taken with respect to such particular product at any time at least one year after the day when the immediately preceding Emergency Measure taken with respect to such particular product first became effective; and
- (ii) such particular product has not been made subject to any Emergency Measure or Measures hereunder more than twice during the 5-year period immediately preceding the introduction of such Short-lived Emergency Measure.

Article 21. (Compensatory measures and countermeasures)

The Minister of International Trade and Industry shall comply with the provisions set forth in Articles 22 through 24 hereof in cases where he or she, pursuant to paragraph 1 of Article 3 of the Import Control Order:

- (i) decides, in conjunction with any Emergency Measures which he or she took or is about to take with respect to any particular product, the conditions to be applied to the importation of any other goods other than such particular product to comply with the provisions of paragraph 2 (Procedures for Emergency Actions) of Article XIX of the General Agreement and the result of any consultation made under the Safeguards Agreement and gives public notification of such determination; or
- (ii) determines, in conjunction with any action taken by any foreign country to suspend any of the concessions and/or other obligations granted or undertaken by such foreign country with respect to any particular product pursuant to the provisions of paragraph 1 of Article XIX of the General Agreement and those set forth in the Safeguards Agreement (such action being hereinafter referred to as "Foreign Safeguard Action"), and based on his or her finding that any of the situations referred to in paragraph 3(a) (Measures against Emergency Actions) of Article XIX of the General Agreement and the Safeguards Agreement of paragraph 3(b) (Measures against Emergency Actions in Urgent Situations) of Article XIX of the General Agreement is in existence, to make any particular product or products subject to an import quota hereunder and determines the conditions to be applied to the importation of any particular product or products hereunder (including but not limited to the designation of the countries or territories of origin of such particular product or products to be affected thereby, if he or she takes any measure under paragraph 3(a) of Article XIX of the General Agreement and the Safeguards Agreement) and gives public notification of such decision and determination.

Article 22. (Ibid.)

In cases where any Foreign Safeguard Action is taken by any foreign country with respect to any particular product, the Minister of International Trade and Industry shall not nevertheless take, among other measures mentioned in paragraph 2 of Article 21 hereof, any measure under paragraph 3(a) of Article XIX of the General Agreement and the Safeguards Agreement, unless and until three years shall have passed since the date of entry into effect of such Foreign Safeguard Action as long as such Foreign Safeguard Action is taken based on the fact of an absolute increase in quantities of the importation into such foreign country of such particular product.

Article 23. (Ibid.)

Whenever any measure mentioned in either paragraph 1 or 2 of Article 21 hereof is taken hereunder as a compensatory measure or countermeasure against any Foreign Safeguard Action, due care shall be exercised so that it shall not exceed the limits which it should naturally have as such compensatory measure or countermeasure and that it shall cause the least possible effect on the national economy.

Article 24. (Ibid.)

The provisions set forth in Article 16 hereof shall apply *mutatis mutandis* whenever any measure referred to in either paragraph 1 or 2 of Article 21 hereof is taken hereunder.