

Note: This is unofficial translation. Only the original Japanese texts have legal effect and the translation is to be used solely as reference material to aid in the understanding of this Ministerial Ordinance.

(Provisional Translation)

Ministerial Ordinance No. 2
Ministry of Agriculture, forestry and Fisheries
Ministry of the Environment

According to the regulations stipulated in Item 1 of Article 6 and Paragraphs 1 through 3 and Paragraph 5 of Article 9 and Article 10 of Act on Ensuring the Safety of Pet Food (Act No.83 of 2008) as well as in order to enforce said Act, the Ministerial Ordinance for Enforcement of the Pet Food Safety Act shall be specified as follow:

May 18, 2009

Shigeru Ishiba
Minister of Agriculture, Forestry and Fisheries

Tetsuo Saito
Minister of Environment

(Provisional Translation)

Ministerial Ordinance for Enforcement of the Pet Food Safety Act

(Pursuant to the supplying of pet food to unspecified or a large number of persons other than selling)

Article 1¹

“Supplying” specified by the Ordinances of Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment in Item 1 of Article 6 of the Pet Food Safety Act (hereinafter “the Act”) refers to supplying pet food to a specific person and it must meet any of the following requirements.

- i. The pet food that is supplied must be intended for sale.
- ii. The pet food that is supplied must be supplied to unspecified or a large number of persons by a method other than selling.

(Notification by manufacturers, etc.)

Article 2

¹ notes from translator: The purpose of this article is to cover the cases not only “selling” but also “supplying without charge, such as distribution of samples for trial use”.

The notification based on the provision of the Paragraphs 1 through 3 and Paragraph 5 in Article 9 of the Act must be submitted to the Minister of Agriculture, Forestry and Fisheries and Minister of Environment by the notification form in the attachment No.1.

(Exceptions from notification requirement)

Article 3

A person specified by the Ordinances of the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment in Paragraph 1 of Article 9 of the Act refers to a manufacturer and an importer whose businesses are to manufacture and to import pet food and who do not have the intent to market pet food (“to market” refers to supplying of pet food for sale provided in Item 1 of Article 6 in the Act).

(Items to be notified by manufacturers, etc.)

Article 4

Items specified by the Ordinances of the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment in Item 4 of Paragraph 1 of Article 9 in the Act are as follows.

- i. The kind of pet that pet food pertaining to manufacturing or importing is used for
- ii. Starting date of manufacturing, importing or marketing of pet food
- iii. In case that the pet food is manufactured or imported for the purpose of export, it must be notified accordingly.

(Items to be recorded in the book by manufacturers, etc.)

Article 5

1 Items specified by the Ordinances of the Ministry of Agriculture, Forestry and Fisheries and Ministry of Environment in Paragraph 1 of Article 10 in the Act are as follows.

- i. Date of manufacturing or importing of pet food
- ii. Concerning manufacturers, the following items must be recorded.
 - a) Names and quantities of raw materials used to manufacture pet food
 - b) In case that a raw material used to manufacture pet food is obtained by transfer, the date of transfer and the name of transferer.
- iii. Concerning importers, the following items must be recorded.
 - a) Name of the country from which the pet food is imported and name of the supplier
 - b) Type of packing of the pet food imported
 - c) Name of the manufacturing country of the pet food imported and manufacturer and names of raw materials

2 Items specified by the Ordinances of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Environment in Paragraph 2 of Article 10 in the Act are as follows.

- i. Date of transferring of pet food
- ii. Type of packing of pet food

3 The book under the provision of Article 10 of the Act must be retained for two years from the last date of entry in the book.

(Form of the documents to show identity of officials)

Article 6

The documents required to show identity of officials under the provision of Paragraph 2 of Article 12 in the Act must follow the form in the attachment No. 2.

Supplementary Provision

This ministerial ordinance shall be enforced from the date of enforcement established for the Act (June 1, 2009).

Form No. 1 (Article 2)

(a)

Notification of (Manufacturer/Importer) of Pet Food		
		Date
To Minister of Agriculture, Forestry and Fisheries To Minister of Environment		
		Address Name Company Seal
We notify as follows in accordance with the provisions of Paragraph 1 (Paragraph 2) of Article 9 in the Pet Food Safety Act :		
1.	Name and Address (In case of a corporation, names of the corporation and its representative and address of principal business office for the corporation)	
2.	In case of a manufacturer, name and address of its plants to manufacture pet food	
3.	Addresses of business premises to sell and to store pet food	
4.	The kind of pet that pet food pertaining to manufacturing or importing is used for	
5.	Starting date of manufacturing or importing of pet food	
6.	In case that the pet food is manufactured or imported for the purpose of export, it must be notified accordingly.	

(b)

Notification of Change of (Manufacturer/Importer) of Pet Food		
		Date
To Minister of Agriculture, Forestry and Fisheries To Minister of Environment		
		Address Name Company Seal
Because there is a change in the notification submitted on (date) in accordance with the provisions of Paragraph 1 (Paragraph 2) of Article 9 in the Pet Food Safety Act , we notify the change as follows in accordance with the provision of Paragraph 3 of Article 9 in the Act:		
1.	Item of change	
2.	Date of change	

(c)



Notification of Abolition of Business (Manufacturer/Importer) of Pet Food		
		Date
To Minister of Agriculture, Forestry and Fisheries To Minister of Environment		
		Address Name Company Seal
<p>We submitted a notification of (manufacturer/importer) of pet food as of (Date) in accordance with the provisions of Paragraph 1 (Paragraph 2) of Article 9 in the Pet Food Safety Act . However, we abolished the business as of (Date). Therefore, we notify the abolition of business in accordance with the provisions of Paragraph 3 of Article in the same Act.</p>		

(d)

Notification of Succession of Business (Manufacturer/Importer) of Pet Food		
		Date
To Minister of Agriculture, Forestry and Fisheries To Minister of Environment		
		Address Name Company Seal
<p>We have succeeded the business operation concerning the notification of (manufacturer/importer) of pet food as of (Date) in accordance with the provisions of Paragraph 1 (Paragraph 2) of Article 9 in the Pet Food Safety Act . Therefore, we notify it in accordance with the provisions of Paragraph 5 of Article in the same Act.</p>		
<ol style="list-style-type: none">1. Date of Succession2. Name and Address of a person who has transferred the business operation (In case of a corporation, names of the corporation and its representative and address of principal business office for the corporation)3. Cause of Succession		

Form No. 2 (Article 6)

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No.	
Identification provided in Paragraph 2 of Article 12 in the Pet Food Safety Act	
	Job Title and Name
	Date of birth
	Issue Date
Name of issuer of Identification	

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The Pet Food Safety Act (Excerption)
Article 12
1. The Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment may, to the extent necessary for the enforcement of this Act, have their officials enter the business premises, warehouses, sea vessels, vehicles and other locations concerned with pet food manufacturing, importing, retail, transport, or storage operations of manufacturers, importers, or sellers as well as pet food freight and warehouse operators to inspect pet food, raw materials, or books and documents concerning operations, and other items, to question the parties concerned, or seize pet food and raw materials to the extent necessary for inspection. Notwithstanding that when pet food and raw materials are seized, compensation based on the market price must be paid.
2. Officials conducting an on-the-spot inspection, questioning, or seizure (“on-the-spot inspection, etc.”) based on the provision of the preceding paragraph must carry documents showing their identity and present such documents to the parties concerned.
3. The authority of an on-the-spot inspection, etc., under the provision of paragraph 1 shall not be construed as approval for a criminal investigation.
4&5 (omitted)
Article 19
A fine of no more than 300,000 yen shall be imposed on a person to whom any of the following items apply.
i.&ii (omitted)
iii. A person who has refused, obstructed, or avoided the inspection or seizure provided for in paragraph 1 of article 12 or in paragraph 1 of article 13, or who has failed to respond to the questioning under these provisions, or who has made a false response.