

## Outline of national laws, regulations and decrees

Area	Law/Regulation/Degree	Year
Manufacture	Bukiseizou Hou	1953
	<b>Ordinance Manufacturing Law</b>	
	<p>&lt;Aim&gt; The Law (promulgated on August 1, 1953, Law No. 145) aims to coordinate manufacture activity of ordnance and regulate manufacture, sales, etc. of ordnance and hunting guns in order to operate healthy national economy and ensure public safety (Article 1).</p> <p>&lt;Specific provisions&gt; In this Law “ordnance” is defined as firearms, their ammunition, explosives and mechanical device that drops or ejects explosives, or their parts (Article 2). Manufacture of ordnance requires permission by the Minister of Economy, Trade and Industry (Articles 3 &amp; 4). Violation of manufacture of guns is liable to penalties of 3 years or more imprisonment. Violation for profit is liable to penalties of life imprisonment or 5 years or more imprisonment, or life imprisonment or 5 years or more (Article 31).</p>	
Manufacture／ Import	Kayaku Torishimari Hou	1950
	<b>Explosives Control Law</b>	
	<p>&lt;Aim&gt; The Law (promulgated on May 4, 1950, Law No. 149) aims to regulate the manufacture, sales, stockpiling, transportation, consumption, etc. of explosives in order to prevent explosives-related disasters and to ensure public safety (Article 1).</p> <p>&lt;Specific provisions&gt; In this Law “explosives” are defined as “gunpowder,” “explosives” and “related products” (Article 2-1). Manufacture of explosives requires permission by the Minister of Economy, Trade and Industry (Articles 3 &amp; 4). Import of explosives requires permission by the Prefectural Governor. The Prefectural Governor shall not give the permission if the purpose of import is not clear or the import adversely affects public security (Article 24). Violation of manufacture (Article 3 &amp; 4) or import (Article 24) is liable to penalties of 3 years or less imprisonment or a fine of up to 1million yen, or both (Article 58).</p>	
Export/ Import	Gaikokukawase Oyobi Gaikokuboueki Hou	1949
	<b>Foreign Exchange and Foreign Trade Law</b>	
	<p>&lt;Aim&gt; Article 1 The purpose of this Act is, on the basis of the freedom of foreign exchange, foreign trade and other foreign transactions, to enable proper</p>	

	<p>expansion of foreign transactions and the maintenance of peace and security in Japan and in the international community through the minimum necessary control or coordination of foreign transactions, and thereby to ensure equilibrium of the international balance of trade and stability of currency as well as to contribute to the sound development of the Japanese economy.</p> <p>&lt;Specific provisions&gt;  Article 48(1)  Any person who intends to conduct the export of specific kinds of goods to specified regions, which is specified by Cabinet Order as being considered to obstruct the maintenance of international peace and security, shall obtain, pursuant to the provisions of Cabinet Order, permission from the Minister of Economy, Trade and Industry.</p> <p>Article 52  For the purpose of achieving the sound development of foreign trade and the national economy, sincerely fulfilling obligations under the treaties and other international agreements Japan has signed, making Japan's contribution to international efforts for achieving international peace, or implementing a cabinet decision set forth in Article 10, paragraph 1, any person who intends to import goods may be obliged to obtain import approval pursuant to the provisions of Cabinet Order.</p> <p>Article 69-6-2  Any person who falls under any of the following items shall be punished by imprisonment with work for not more than ten years or a fine of not more than thirty million yen, or both; provided, however, that five times the price of the subject matter of the violation exceeds thirty million yen, a fine shall be not more than five times the price.</p> <p>* The penalty for cases where the offender is a judicial person, not an individual person, will be a fine not more than one billion yen, however, that five times the price of the subject matter of the violation exceeds one billion yen, a fine shall be not more than five times the price.</p> <p>Article 69-7  Any person who falls under any of the following items shall be punished by imprisonment with work for not more than five years or a fine of not more than ten million yen, or both; provided, however, that five times the price of the subject matter of the violation exceeds ten million yen, a fine shall be not more than five times the price.</p> <p>Article 69-7-5  Any person who has imported goods without obtaining permission pursuant to the provision of the paragraph of the Article 52.</p> <p>* The penalty for cases where the offender is a judicial person, not an individual person, will be a fine not more than five hundred million yen, however, that five times the price of the subject matter of the violation</p>
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	exceeds five hundred million yen, a fine shall be not more than five times the price.
Import	Gaikokukawase Oyobi Gaikokuboueki Hou 1949
	<b>Foreign Exchange and Foreign Trade Law</b>
	<p>&lt;Aim&gt; The Law (promulgated on December 1, 1949, Law No. 228) aims to control and coordinate external trade only to the minimum extent needed, in order to foster its healthy development, maintain peace and security of international society, contribute balance of payments, the stability of currency and healthy development of Japanese economy. This is the basic law of Japan governing external trade (Article 1).</p> <p>&lt;Specific provisions&gt; Article 52 For the purpose of achieving the sound development of foreign trade and the national economy, sincerely fulfilling obligations under the treaties and other international agreements Japan has signed, making Japan's contribution to international efforts for achieving international peace, or implementing a cabinet decision set forth in Article 10, paragraph 1, any person who intends to import goods may be obliged to obtain import approval pursuant to the provisions of Cabinet Order. Article 69-7 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than five years or a fine of not more than ten million yen, or both; provided, however, that when five times the price of the subject matter of the violation exceeds five million yen, a fine shall be not more than five times the price. (v) Any person who has imported goods without obtaining approval pursuant to the provisions of an order pursuant to Article 52.</p>
Import	Kanzei Hou 1954
	<b>Customs Law</b>
	<p>&lt;Aim&gt; The Law (promulgated on April 2, 1954, Law No. 61) aims to provide the substance and procedures related to the assessment, payment and collection of customs as well as the export/import control of goods (Article 1).</p> <p>&lt;Specific provisions&gt; Import of firearms, military rifles, machine guns, guns and their ammunition and parts, except for those imported with exceptional authorization by licensed traders both by other laws, is prohibited (Article 69-11-2). Violation is liable to penalties of 10 years or less imprisonment.</p>
Import/Brokering	Juuhou Toukenrui Shojitou Torishimari Hou 1958
	<b>Act for Controlling the Possession of Firearms or Swords and Other Such Weapons</b>
	<p>&lt;Aim&gt; Article 1</p>

	<p>This Act sets forth safety regulations necessary for the prevention of harm related to the possession and use of firearms and swords.</p> <p>&lt;Specific provisions&gt;</p> <p>Article 2(1) Under this Act, firearms refer to handguns, rifles, machine guns, large caliber guns, hunting guns, other guns using gunpowder that have the function to discharge metal bullets and air guns (including guns using pressured air whose bullet kinetic energy exceeds that stipulated by the Cabinet order. They can be hazardous to the lives of people).</p> <p>Article 3-4 Except under one of the following circumstances, no person shall import any handgun, rifle, machine gun, or large caliber gun (hereinafter collectively termed “handguns, etc.”); (enumeration of exceptions is omitted)</p> <p>Article 3-7 Except under one of the following circumstances, no person shall transfer or lend a handgun, etc. (enumeration of exceptions is omitted)</p> <p>Article 3-10 Except under one of the following circumstances, no person shall receive by transfer or loan any handgun, etc. (enumeration of exceptions is omitted)</p> <p>Article 31-2 (1) Persons who violate Article 3-4 shall be sentenced to imprisonment for a fixed period of more than three years. (2) Any person who engages in activities in violation of provisions under the preceding paragraph for the purpose of profit shall be sentenced to imprisonment for a fixed period of more than five years or life imprisonment, or imprisonment of a fixed period of more than five years and a fine of more than 30,000,000 yen. (3) (abbreviation)</p> <p>Article 31-15 Any person who serves as an intermediary for the transfer, receipt by transfer, lend, or loan of a handgun, etc. prohibited by Article 3-7 or Article 3-10 shall be sentenced to imprisonment of less than three years, or imprisonment of less than three years and a fine of less than 1,000,000 yen.</p>
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## The Three Principles on Transfer of Defense Equipment and Technology

### ●Main Contents of the Principles

While maintaining its basic philosophy as a peace-loving nation that conforms to the Charter of the United Nations and the course it has taken as a peace-loving nation, Japan will control

the overseas transfer of defense equipment and technology based on the Three Principles on Transfer of Defense Equipment and Technology. Main contents of the Principles are as follows;

(1) Clarification of cases where transfers are prohibited (the First Principle)

Overseas transfer of defense equipment and technology will not be permitted when:

- i) the transfer violates obligations under treaties and other international agreements that Japan has concluded,
- ii) the transfer violates obligations under United Nations Security Council resolutions, or
- iii) the defense equipment and technology is destined for a country party to a conflict (a country against which the United Nations Security Council is taking measures to maintain or restore international peace and security in the event of an armed attack).

(2) Limitation to cases where transfers may be permitted as well as strict examination and information disclosure (the Second Principle)

In cases not within (1) above, cases where transfers may be permitted will be limited to the following cases. Those cases will be examined strictly while ensuring transparency.

The transfer contributes

- i) to active promotion of peace contribution and international cooperation, or
- ii) Japan's security.

Significant cases that require especially careful consideration from the viewpoint of Japan's security will be examined at the National Security Council (NSC). As for the cases that were deliberated at the NSC, the Government will disclose their information in accordance with the Act on Access to Information Held by Administrative Organs (Law No. 42 of 1999).

(3) Ensuring appropriate control regarding extra-purpose use or transfer to third parties (the Third Principle)

In cases satisfying (2) above, overseas transfer of defense equipment and technology will be permitted only in cases where appropriate control is ensured. More concretely, the Government will in principle oblige the Government of the recipient country to gain its prior consent regarding extra-purpose use and transfer to third parties.

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