

Brief Summary of
“the Act for Promotion of Use of Wood in Public Buildings etc.”
Enacted on May 26, 2010

I. THE PURPOSE

In Japan in 2010 “The Act for Promotion of Use of Wood in Public Buildings etc.” was approved, in order to promote use of wood in public buildings through establishing the basic policies, taking measures by the related ministers, given that promotion of use of wood contributes to the prevention of climate change, development of a sound material-cycle society, the fulfillment of multi-functional role of forests such as preservation of national land and water resources and enlivenment of local economies in provincial area.

II. CONTENTS OF THE ACT

1. (Responsibility of the National Government)

National government shall develop comprehensively and implement the measures for promoting use of wood as well as endeavor to take the lead in wood utilization in public buildings that are administrated by National government. It also shall examine regulations related to wooden building such as the Building Standard Act etc. and shall take necessary legislative and other measures based on the results as well as shall endeavor to increase the public understanding of promotion of use of wood.

2. Responsibility of local Governments

Local Governments shall develop and endeavor to implement the measures for promoting use of wood as well as endeavor to use wood in developing public buildings pursuant to national policy.

3. Establishment of basic policy

Minister of Agriculture, Forestry and Fisheries and Minister of Land, Infrastructure, Transport and Tourism shall establish the basic policy on the promotion of use of wood for public buildings that set out goals for use of wood for public buildings developed by national government etc.

4. Establishment of prefectural and municipal policy

Prefectural governors and municipalities may establish the policy on the promotion of use of wood for public buildings that contents goals for use of wood for public buildings developed by prefecture and by municipality respectively.

5. Establishment of the system to supply wood used for construction of public buildings smoothly.

(1) The wood manufacturing enterprises who prepare a plan concerning improvement of timber manufacture facility to supply wood suitable for public buildings (Timber Manufacture Improvement Plan) may receive an approval of the Minister of Agriculture, Forestry and Fisheries.

(2) In cases where the Timber Manufacture Improvement Plan is approved, take measures such as special provision of Act on Subsidies for Improvement of Forestry and Wood Industry.

6. The policies for promoting any use of wood other than public buildings

National and local governments shall endeavor to take necessary measures in order to promote use of wood in residence and structures pertaining to public facilities as well as use of wooden biomass.

III. EFFECTIVE DATE

The date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation

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The Act for Promotion of Use of Wood in Public Buildings etc.

Please note that this translation is not official or approved by authorities.

[Table of Contents]

Chapter I: The general provisions (Article 1- Article 6)

Chapter II: The measures for promoting use of wood in public buildings (Article 7- Article 16)

Chapter III: The policies for promoting any use of wood other than public buildings (Article 17- Article 20)

Supplementary Provisions

Chapter I: The general provisions

(Purpose)

Article 1: The purpose of this Act is, to promote sustainable and sound forestry development by ensuring the adequate supply and use of wood in order to promote use of wood in public buildings and thereby to contribute to adequate development of forests and improvement of wood self-efficiency rate through establishing the basic policies, taking measures etc in order to secure adequate wood supply for use of development of public buildings by the Minister of Agriculture, Forestry and Fisheries and the Minister of Land, Infrastructure, Transport and Tourism, given that promotion of use of wood contributes to the prevention of climate change, development of a sound material-cycle society, the fulfillment of multi-functional role of forests such as preservation of national land and water resources and enlivenment of local economies in provincial area.

(Definition)

Article 2: The term "public buildings" as used in this Act means the following buildings (meaning those set forth in Article 2.1 of the Building Standards Act (Act No.201 of 1950); the same shall apply hereinafter.)

- i) Buildings that are used for public purpose or provided for governmental use and are developed by national or local governments.
- ii) Buildings such as school and elder care facility that are specified by Cabinet Order as equivalent to those listed in the preceding item and that are developed by other than national or local governments.

(2) The term "use of wood" as used in this Act means using the wood including domestic wood products (including use of wood products made from such wood) as the main structural parts and other building parts of building materials prescribed in Article 2.5 of the Building Standards Act, materials for facilities, raw materials of products and sources of energy.

(3) The term "improvement of timber manufacture" as used in this Act means ensuring improvement of supply capacity of manufacturers to provide wood used for public buildings construction by developing their necessary facilities, securing human resources having advanced knowledge or skills and other measures to manufacture wood for construction of public buildings.

(Responsibility of the National Government)

Article 3: National government shall develop comprehensively and implement the measures for promoting use of wood as well as shall endeavor to give such advice or to take measures as are necessary for the local governments to promote the measures for use of wood.

(2) In order to contribute to the increase in demand for wood, National government shall endeavor to take the lead in wood utilization in public buildings that are administrated by National government by taking into consideration that the buildings are offered for the use of the public and any other character of buildings listed in item (i), paragraph (1) of the preceding article.

(3) National government shall endeavor to take necessary fiscal and financial arrangement for supporting approach pertaining to promotion of use of wood in order to promote enhanced demand for wood.

(4) In consideration of the importance of proper wood supply for public building construction etc. use, in promoting use of wood, National government shall endeavor to take necessary arrangement for securing sound wood supply used for promoting the improvement of timber manufacture and developing public buildings etc.

(5) National government shall examine desirable regulations related to wooden building such as the Building Standard Act based on results of research on fire resistance etc. of wood, opinions based on specialized expertise of construction professionals etc. and conditions of regulations in other countries to promote use of wood for building materials and shall take necessary legislative and other measures for the abolition or relaxation of their regulations based on the results of the examination.

(6) National government shall endeavor to take necessary and other measures to promote research, develop and disseminate of technology and develop human resources for promoting use of wood.

(7) National government shall, through educational and publicity activities, endeavor to increase the public understanding of promotion of use of wood and to ask for public cooperation for the implementation of such activities.

(Responsibility of local Governments)

Article 4: Local Governments shall develop and endeavor to implement the measures for promoting use of wood as well as endeavor to use wood in developing public buildings pursuant to national policy according to various socioeconomic conditions in their areas.

(Effort of enterprises)

Article 5: Enterprises shall make their own efforts to promote use of wood in their business activities, and shall also cooperate with measures of the national government, local governments for promoting use of wood.

(Effort of citizens)

Article 6: Citizens shall make their own efforts to promote use of wood, and shall also cooperate with measures of the national government, local governments for promoting use of wood.

Chapter II: The measures and policies for promoting use of wood in public buildings

(Basic Policy)

Article 7: Minister of Agriculture, Forestry and Fisheries and Minister of Land, Infrastructure, Transport and Tourism shall establish the basic policy on the promotion of use of wood for public buildings (hereinafter referred to as "Basic Policy").

(2) The Basic Policy shall set out the following matters.

- i) Meaning and basic directions of promoting use of wood for public buildings
- ii) Basic matter concerning measures for promoting use of wood for public buildings
- iii) Goals for use of wood for public buildings developed by national government.
- iv) Basic matter concerning the plan to promote use of wood for public buildings which provided by the heads of each ministry and agency (shall mean the head of Ministries and Agencies as stipulated in Article 20, paragraph 2, of Public Finance Act (Act No. 34 of 1947). hereinafter the same shall apply in this Article) based on the Basic Policy
- v) Basic matter concerning secure sufficient supply of wood for use of public buildings construction.
- vi) Other important matters related to promotion of use of wood for public buildings

(3) The Basic Policy shall be established by taking into consideration the status of utilization of wood for public buildings, the technical level related to use of wood for construction and other circumstances.

(4) Minister of Agriculture, Forestry

and Fisheries and Minister of Land, Infrastructure, Transport and Tourism shall revise the basic policy as needed as a result of changes in economic conditions or other circumstances.

(5) Minister of Agriculture, Forestry and Fisheries and Minister of Land, Infrastructure, Transport and Tourism shall, when intending to formulate or revise the basic policy, consult with the heads of each ministry and agency.

(6) When Minister of Agriculture, Forestry and Fisheries and Minister of Land, Infrastructure, Transport and Tourism have established or revised the basic policy, he/she shall publicize it and report it to the heads of each ministry and agency and governors, without delay.

(7) Once each year, Minister of Agriculture, Forestry and Fisheries and Minister of Land, Infrastructure, Transport and Tourism shall announce the situation of implementation of measures based on the basic policy.

(Prefectural Policy)

Article 8: In line with the Basic Policy, prefectural governors may establish the policy on the promotion of use of wood for public buildings within the area of prefecture (hereinafter referred to as "Prefectural Policy").

(2) The Prefectural Policy shall set out the following matters.

- i) Basic matter concerning measures for promoting use of wood for public buildings within the area of prefecture.
- ii) Goals for use of wood for public buildings developed by prefecture.
- iii) Basic matter concerning secure sufficient supply of wood for use of public buildings construction within the area of prefecture.
- iv) Any other necessary matter concerning promoting use of wood for public buildings within the area of prefecture.

(3) When prefectural governors have established or revised the prefectural policy, he/she shall endeavor to publicize it and shall notify to the heads of relevant municipalities to that effect, without delay.

(Municipal Policy)

Article 9: In line with the Prefectural Policy, municipalities may establish the policy on the promotion of use of wood for public buildings within the area of the municipality (hereinafter referred to as "Municipal Policy").

(2) The Municipal Policy shall set out the following matters.

- i) Basic matter concerning measures for promoting use of wood for public buildings within the area of the municipality.
- ii) Goals for use of wood for public buildings developed by municipality.
- iii) Any other necessary matter concerning promoting use of wood for public buildings within the area of the municipality.

(3) Municipalities, in addition to the matters listed in the items of the preceding paragraph, may establish the basic matter concerning secure sufficient supply of wood for use of public buildings construction within the area of the municipality.

(4) When establishing or revising the municipal policy, the municipalities shall endeavor to publicize it without delay.

(Approval of Timber Manufacture Improvement Plan)

Article 10: The wood manufacturing enterprises shall prepare a plan concerning improvement of Timber manufacture (hereinafter referred to as "Timber Manufacture Improvement Plan") and submit said plan to the Minister of Agriculture, Forestry and Fisheries and may receive an approval to the effect that said Timber Manufacture Improvement Plan is suitable, pursuant to the provisions of the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) Timber Manufacture Improvement Plan shall describe the matters listed in the following.

- i) The goal of improvement of timber manufacture
- ii) The substance and period of implementation for

improving timber manufacturing.

iii) The type and scale of facilities in the case of seeking to develop a facility to manufacture wood used for public buildings construction.

iv) The location, deployment and structure in the case of seeking to perform development activities (meaning development activities specified by Article 10, Paragraph (2) item (i) of Forest Act (Act No. 249 of 1951); the same shall apply hereinafter) for developing said facilities in the preceding item in the private forest specified in the said paragraph covered by regional forest plan established by the provision of Article 5 (1) of Forest Act (Excluding protection forests designated pursuant to the provisions of Article 25 or Article 25 (2) of the same act, areas within protection facility district designated pursuant to the provision of Article 41 of the same act and forests within coast protection area designated pursuant to Article 3 of Coast Act (Act No.101 of 1956) (meaning forests specified by Article 2 (1) of Forest Act; the same shall apply to Paragraph (4)).

v) The amount of funds necessary for implementing the improvement of timber manufacture and the procurement method thereof.

(3) In case that the approval set forth in paragraph 1 is applied for, when the Minister of Agriculture, Forestry and Fisheries finds that the Timber Manufacture Improvement Plan is appropriate in light of the Basic Policy and further that the Timber Manufacture Improvement Plan is appropriate to be certainly implemented, The Minister shall approve said application.

(4) Minister of Agriculture, Forestry and Fisheries shall, when intending to grant the approval of the Timber Manufacture Improvement Plan that contains the matters prescribed in paragraph (2), item (iv) set forth in paragraph (1), consult with the prefectural governor that has jurisdiction over the forest location provided for developing facility under item (iii) of the same paragraph on the matters prescribed in paragraph (2), item (iii) and (iv) and obtain his/her consent. In this case, said prefectural governors shall give their consent when they find that the development activities to develop said facility do not fall under the provision of any paragraphs of any items of Article 10-2, paragraph 2.

(5) Prefectural governors shall, when making the consent set forth in the preceding paragraph, hear the opinion of the prefectural forest chamber and the heads of the relevant municipalities.

(Revision of Timber Manufacture Improvement Plan)

Article 11: When a person who has received the approval set forth in paragraph (1) of the preceding Article (hereinafter referred to as "Approved Timber Manufacturer"), intends to revise the Timber Manufacture Improvement Plan to which said approved pertains, he/she shall obtain approval from the Minister of Agriculture, Forestry and Fisheries, pursuant to the provisions of the Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) When Approved Timber Manufacturer have made a minor change specified by the Ordinance of the Ministry of Agriculture, Forestry

and Fisheries under the proviso of paragraph (1), they shall notify the Minister of Agriculture, Forestry and Fisheries of such circumstance without delay.

(3) When Minister of Agriculture, Forestry and Fisheries finds that Approved Timber Manufacturer is not practicing improvement of timber manufacture in accordance with the Timber Manufacture Improvement Plan pertaining to the approval set forth in paragraph (1) of the preceding Article (or revised Plan in the case that there has been permission or notification regarding an amendment pursuant to the provision of paragraph (1); hereinafter referred to as the "Approved Timber Manufacture Improvement Plan"), he/she may rescind its approval.

(4) The provisions of paragraphs (3) through (5) of the preceding Article shall be applied mutatis mutandis to the authorization of paragraph (1).

(Special provision within Act on Subsidies for Improvement of Forestry and Wood Industry)

Article 12: Notwithstanding the provision of paragraph (1) of article 5 of Act on Subsidies for Improvement of Forestry and Wood Industry (Act No.42 of 1976), the funds for improvement of forestry and wood industry under paragraph (1) of Article 2 of the same Act and the period of redemption (including a period of deferment) required for improvement of timber manufacture according to the Approved Timber Manufacture Improvement Plan shall be a period specified by Cabinet Order not exceeding twelve years.

(Special provision within the Forest Act)

Article 13: When the Approved Timber Manufacturers conduct development activities in accordance with the Approved Timber Manufacture Improvement Plan (limited to which states the matters listed in item of Article.10 (2)(iv) to develop the facility prescribed in item (iii) of said paragraph, they shall be deemed to have been permitted under Article 10-2, paragraph (1) of Forest Act.

(Use of National Facilities)

Article 14: National Government may, pursuant to the provisions of a Cabinet Order, when deeming it necessary for promoting use of wood for public buildings, determine the charge for use of national research institute at lower cost than the current price to who intend to conduct test and research related to production of wood provided for public buildings construction.

(Collection of Report)

Article 15: The Minister of Agriculture, Forestry and Fisheries may request an Approved Timber Manufacturer to submit a report concerning the implementation status of Approved Timber Manufacture Improvement Plan.

(Penal Provisions)

Article 16: Timber Manufacturers who fail to report pursuant to the provisions of preceding article or who file false reports shall be punished by a fine of 300,000 yen or less.

(2) When a representative of a juridical person or an agent, employee, or other worker of a juridical person or of an individual, commits a violation of the preceding paragraph concerning the business of the juridical person or of the individual, the actual offender shall be punished and in addition the said juridical person or the individual shall be punished by the fine set forth in the same paragraph.

Chapter III: The measures and policies

for promoting any use of wood other than public buildings

(Use of wood in housing)

Article 17: Considering that wood has a superior insulation, humidity conditioning and ultraviolet absorption effect, there is a strong tendency to prefer wooden house among the public and use of wood has a role to contribute developing local economies, national and local governments shall endeavor to assist providing information for the person building wooden residence and support the cultivation of demand such as holding of exhibition concerning wooden residence or take any other measures in order to promote building wooden residence etc.

(Improvement of landscape of structures and use of wood for creating comfort pertaining to public facilities)

Article 18: Considering that establishment of structures pertaining to public facilities such as the guardrails, sound insulation walls along the expressway, fences of the park and others made from wood contribute to the formation of beautiful landscape as well as to relieve the users etc, national and local governments shall, in order to promote the establishment of wooden structures, endeavor to provide advice, information and other necessary measures for a person establishing a wooden structure.

(Wooden biomass product use)

Article 19: With regard to biomass (resources that is organic substance derived from plants and animals (excluding crude oil, petroleum gas, combustible natural gas and coal (hereinafter referred to as "fossil resource"))) derived from wood (hereinafter referred to as "Wooden Biomass"). Optimizing the use of wooden biomass as raw materials through promoting the existing use as raw materials for products such as pulp and paper as well as promoting the expansion and multilevel of usage (means the use, reuse, recycle it as raw material of products first and finally use it as energy resource), National and local governments shall endeavor to promote research and development such as technology etc to manufacture plastic by process wooden biomass using chemical method or biological method and take other necessary measures.

(Wooden biomass energy use)

Article 20: Considering that using Wooden Biomass as alternative energy of fossil resource contributes to the suppression of emission of carbon dioxide and effective utilization of unused Wooden Biomass derived from logging or thinning, national and local governments shall endeavor to promote using wooden biomass in public facilities, provide information, promote research and development of technology etc and take other necessary measures pertaining to use of Wooden Biomass as energy resource, to promote the use of Wooden Biomass as energy resource.

Supplementary Provisions

(Effective Date)

Article 1: This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding 6 months from the date of promulgation.

(Review)

Article 2: Where five years have elapsed after the enforcement of this Act, the government shall review the status of enforcement of this Act. Based on the results, it shall implement necessary measures.

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