

## Japan

**Country:** [Japan](#) [1]

**EIA Law:** Environmental Impact Assessment Law, Law No. 81 of 1997

**Law Link:** [Link](#) [2]

**EIA Guidelines or Other Guidance:** Environmental Impact Assessment in Japan (2012)

**Guidance Link:** [Link](#) [3]

**Projects Requiring EIA:** Government projects

Private Projects

**Abridged Assessments:** No

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Who Conducts Screening Detail:** Screening is conducted for "class 2" projects. An EIA is automatically required for class 1 projects. EIA Law, Art. 4

**Criteria for Screening:** List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

**Criteria for Screening Detail:** The screening judgement is made by the authorizing agency in accordance with the judgment criteria. In making the judgment, opinions from the prefectural governor who is well-acquainted with the local situation should be taken into consideration. EIA Law, Art. 4; see also MoE Publication, "EIA in Japan"

**Who Prepares EIA:** Project Proponent (with or without contractor)

**Who Pays for EIA:** Project Proponent

**EIA Contractor Qualifications:** No

**Conflict of Interest:** No

**Terms of Reference:** Yes

**Terms of Reference Detail:** The scoping document must include "[t]he items to be considered in an environmental impact assessment of the relevant project, and the survey, prediction, and assessment methods to be utilized (if such methods have not yet been determined, then the items to be considered in the environmental impact assessment of the relevant project)." EIA Law, Art. 5(4).

**Days for Decision Maker Review:** 210

**Automatic Approval:** No

**Written Decision:** No

**Written Decision Detail:** The EIA law does not specifically require decisions to be issued in writing.

**Authority to Impose Conditions:** Yes

**Authority to Impose Conditions Details:** Conditions may be attached to the license or other required approval. EIA Law, Art. 33(2).

**Expiry of Decision:** Indefinite

**Financial Assurances or Bond:** No

**Interdisciplinary Team:** No

**Range of Alternatives:** No

**Range of Alternatives Detail:** The content of an EIA is determined by specific ministerial regulations for each sector.

**No Action Alternative:** No

**No Action Alternative Detail:** The content of an EIA is determined by specific ministerial regulations for each sector.

**Type(s) of Impact Analysis:** Direct environmental impacts

**Mitigation:** Yes

**Mitigation Detail:** The draft EIS shall include measures for protecting the environment, including details regarding how such measures were developed. EIA law Art. 14(7)(b).

**Monitoring Plans:** No

**Public Notice of Draft EIA:** Yes

**Draft EIA Available:** Yes

**Draft EIA Available Detail:** The proponent, for the purpose of acquiring comments, shall announce that the draft EIA has been prepared and make the EIA available for inspection. EIA Law, Art. 16.

**Draft EIA Locations:** Other

**Public Notice of Final EIA:** Yes

**Public Notice of Final EIA Detail:** The proponent shall make public the fact that an EIS and other items have

been prepared, and, for a period of one month from the date of such publication, shall make available for public review in the related area the EIS, the summary, and other related information. EIA Law, Art. 27

**Final EIA Available:** Yes

**Final EIA Available Detail:** The proponent shall make public the fact that an EIS and other items have been prepared, and, for a period of one month from the date of such publication, shall make available for public review in the related area the EIS, the summary, and other related information. EIA Law, Art. 27

**Final EIA Locations:** Other

**Availability of Reference Studies:** Yes

**Availability of Reference Studies Detail:** Information could be obtained through the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999), available at [http://www.soumu.go.jp/english/gyoukan/engv1\\_03.pdf](http://www.soumu.go.jp/english/gyoukan/engv1_03.pdf)

**Public Scoping:** Yes

**Public Scoping Detail:** For the purpose of inviting comments, from the standpoint of protecting the environment, regarding both the items to be considered in an environmental impact assessment and the survey, prediction, and assessment methods to be utilized, the proponent, upon

**Public Review of TOR:** Yes

**Public Review of TOR Detail:** The public is permitted to comment on the scoping document, which contains the items to be considered in the EIA. See EIA Law, Arts. 8, 11.

**Public Participation Opportunities:** Scoping

Review of draft EIA

Public Meetings and/or public hearings

Review of final EIA

**Public Meetings:** Yes

**Public Meetings Detail::** "[T]he proponent shall hold explanatory meetings to make the public aware of the contents of the draft EIS. . . in the related area during the period of public review." EIA Law, Art. 17.

**Public Input at Meeting:** No

**Public Input at Meeting Detail:** "[T]he proponent shall hold explanatory meetings to make the public aware of the contents of the draft EIS. . . in the related area during the period of public review." EIA Law, Art. 17. The EIA Law does not specify whether members of the public are permitted to speak or provide comments at the public meeting.

**Criteria to Hold Public Meeting:** Public meeting and/or hearing is automatically required

**Days for Public to Review Final EIA:** 30

**Public Comments on Draft EIA:** Yes

**Public Comments on Draft EIA Detail:** "[T]he proponent, for the purpose of acquiring comments, from the standpoint of protecting the environment, regarding the results of the environmental impact assessment relating to the draft EIS . . . shall publicly announce that the draft EIS and other items have been prepared in accordance with said regulation of the Prime Minister's Office, and shall make the draft EIS and the summary available for public review in the related area for one month from the date of the aforementioned public announcement." EIA Law, Art. 16. "Anyone who has comments, from the standpoint of protecting the environment, regarding a draft EIS may express such comments. . . ." EIA Law, Art. 18

**Public Comments on Final EIA:** No

**Public Comments on Final EIA Detail:** The EIA law does not specify whether the public is permitted to comment on the final EIA. Comments may be limited to the draft EIA phase.

**Response to Public Comments:** Yes

**Response to Public Comments Detail:** Comments regarding the scoping document must be addressed in the draft EIA. EIA Law, Art. 14(1). The proponent shall provide a document containing an outline of all comments received on the draft EIA and the proponent's views regarding such comments. EIA Law, Art. 19. The proponent shall address public comments concerning the draft EIA in the final EIA. EIA Law, Art. 21(2).

**Facilitation of Public Participation:** No

**Citizen Administrative Review:** No

**Citizen Judicial Review:** Yes

**Citizen Judicial Review Detail:** Review may be obtained through the Administrative Case Litigation Act, available at <http://www.japaneselawtranslation.go.jp/law/detail/?id=1922&vm=&re=02>

**Project Monitoring:** Yes

**Project Monitoring Detail:** "After the construction is finished, the project proponent compiles and publishes a document about the follow-up survey, along with the measures for protecting the environment to cope with the conditions identified during the survey and the progress of the measures taken. This is called the Impact Mitigation Reporting." "Environmental Impact Assessment in Japan," pp. 14-15.

**Enforceability of EIA:** No

**Enforceability of Permit: No**  
**Days for Public to Review Draft EIA: 30**

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**Links**

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