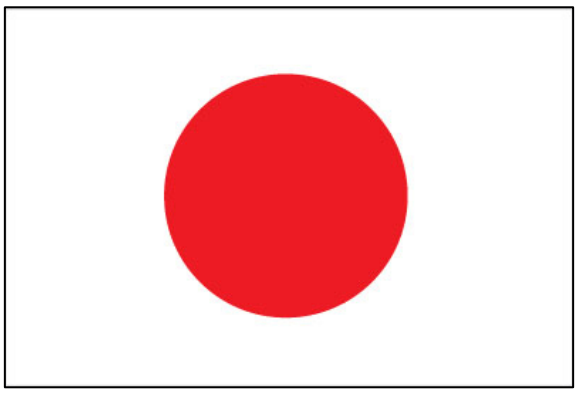
CLIMATE CHANGE LEGISLATION IN

JAPAN

AN EXCERPT FROM

The 2015 Global Climate Legislation Study

A Review of Climate Change Legislation in 99 Countries



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Japan

Legislative Process

The National Diet is the sole law-making organ of the State based on the Constitution promulgated in 1946. The Diet comprises two houses: The House of Representatives (the lower house) and the House of Councillors (the upper House). The House of Representatives has 480 members elected for a four-year term by a combination of single-seat constituency system and proportional representation. The Lower House may be dissolved at any time by the Emperor on the advice of the Prime Minister. The last general election for the House of Representatives took place in December 2014 upon the Prime Minister's decision to dissolve the Lower House. The next Lower House election is expected to take place late 2018 unless it is dissolved. The House of Councillors (the Upper House) has 242 members, elected for a six-year term – every three years half of the Upper House members are elected. The last Upper House election took place in 2013 and the next will be in 2016.

Japan is a parliamentary cabinet system, and more than half of cabinet members are selected from MPs by the Prime Minister. The Prime Minister is elected by MPs through a resolution of the Diet. MPs and the Cabinet are qualified to submit bills, and all the bills are passed to a committee for deliberation, which sometimes includes open hearings. After the committee votes on the bill, it is passed for approval to Diet plenary session in both houses. If the two chambers' votes are at odds, a conference committee is convened in an attempt to reach a compromise. After a law is passed it is promulgated by the Emperor and announced in the government gazette. The Diet also has the authority to approve the budget, ratify treaties and amend the Constitution.

Approach to Climate Change

Japan is an Annex-I country and submitted its Sixth Communication to the UNFCCC in 2013. The Act on Promotion of Global Warming Countermeasures was enacted in 1998 as the first climate-dedicated law. This law initially stipulated obligations to create the Kyoto Protocol Target Achievement Plan in accordance to reduction commitments. This ended in the fiscal year 2012 following the decision to withdraw from Kyoto Protocol in the second commitment period. The Act was amended to mandate both central and local governments to formulate the Plan for Global Warming Countermeasures from 2013. The new Plan obliges the government to produce a plan containing

reduction targets and detailed actions that government entities, business sector and citizens within the jurisdiction shall take to achieve the targets.

Targets for emission reduction have been set by The Fourth Basic Environment Plan (adopted in 2012), stipulating an 80% reduction of GHG emissions by 2050. In 2012, the government also formulated the Innovative Strategy for Energy and Environment, which was to be followed by a Global Warming Action Plan for the period from 2013. However, after the change of administration at the end of 2012, the government approved a new target of 3.8% reduction below the 2005 baseline. This new target was announced at the Warsaw COP19 Conference in 2013, recalling the previous target of 25%. This new reduction target is a tentative figure that does not take into account the emissions reduction impact of nuclear power use. Based on studies of energy policy and energy mix, the figure will be reviewed and a final target will be set. In late 2014, the Ministry of the Environment (MOEJ) and the Ministry of Economy, Trade and Industry (METI) were working on Japan's Intended Nationally Determined Contribution (INDC) ahead of COP21 in late 2015.

Climate change issues are approved at the Global Warming Prevention Headquarters, comprised of all members of the cabinet and led by the Prime Minister.

Energy supply

According to the International Energy Agency, the energy mix in 2012 was 47% oil, 24% natural gas, 23% coal, 3% hydro, 2% renewable energy and 1% nuclear power. Before the shutdown of the nuclear reactors in the aftermath of the Fukushima disaster, nuclear power accounted for approximately 13% of primary energy (2010 figures). Oil, coal and natural gas are mostly imported.

The triple disaster in 2011, including the accident at the Fukushima Daiichi Power Plant, triggered a heated public debate on nuclear power. The government set up the Energy and Environment Council, tasked with examining a redefinition of national energy strategy and climate change countermeasures. In 2012, the Council examined three nuclear dependency scenarios (0%, 15%, 20–25% nuclear power) and advocated the lower dependency scenarios and an increased 'green energy' share in their Innovate Strategy for Energy and Environment.

The change of administration in late 2012 led to prominent voices calling for nuclear power to be acknowledged as an important baseload power source,

which contributes to the stability of energy demand structure. Accordingly, the Energy Basic Plan was revised in April 2014, to re-include nuclear energy in the energy mix; however, it aims to lower the dependence on nuclear power as much as possible by the promotion of energy savings, the introduction of renewable energy, and the promotion of the efficiency of thermal power plants.

It has been stipulated that operations at nuclear facilities will resume, but that reactors must pass the Nuclear Regulatory Commission's inspections and meet the most severe regulatory standard in the world. It remains to be seen how the December 2014 elections (in which the Liberal Democratic Party administration kept power) will influence the nuclear energy strategy.

Zero-carbon power plants are viewed as essential to achieve the long-term goal of reducing emissions by 80% by 2050; a project by the Ministry of Environment to promote CCS in coal-fired power plants was started in 2014 and budgeted at JPY1.2 bn (USD10.2m) for the fiscal year 2014.

Energy demand

Energy efficiency has been widely practised in Japan. An energy conservation law was introduced as early as 1979 following the oil crises in the 1970s. The law has served as the foundation of energy demand policy; it has been revised numerous times, lastly in November 2014. The Energy Conservation Act concerns energy efficiency in building structures and reporting by companies.

The 2003 amendment to the Basic Act on Energy Policy promotes energy demand and supply related policies in a long-term, comprehensive, and strategic manner. Subsequently, voluntary energy efficiency and conservation measures have expanded widely. The MOEJ-led campaigns since 2005, COOL BIZ and WARM BIZ, have encouraged people to dress down so that use of air conditioning could be limited (keeping building temperature at 28°C in summer and 20°C in winter).

Numerous subsidies have been introduced by MOEJ, METI and Ministry of Land, Infrastructure, Transport and Tourism (MLIT) to support investment for energy efficiency in buildings, housings and business as well as use of renewable energy and introduction of cogeneration. This includes the subsidy on interest payment (maximum 1% annually) for so-called "eco-loan" businesses, which reduced the amount of CO_2 emission by more than 5% within the 5 years of the start of the loan. Eco-point schemes have been introduced for various sectors, allowing consumers of verified green products and services to attain eco-points that

could be exchanged to other products and services. The MOEJ-led home electronics eco-point scheme (2009 -2011) was available to consumers of home electronic appliances that attained level 4 energy efficiency and above (green home electronics). The housing eco-point scheme (2009-2014) was jointly led by the MOEJ, METI and MLIT, by which the issued eco-points could also be donated to support the reconstruction of areas damaged by the 2011 disaster.

In 2012 the Low Carbon City Promotion Act entered into force, establishing a recognition system for low-emitting buildings, as a part of a plan to incentivise low carbon cities.

Carbon pricing

The Act on Purchase of Renewable Energy Sourced Electricity by Electric Utilities, approved in 2011, introduced a feed-in tariff system for renewable energy and a carbon taxation system. The carbon tax is designed to help reduce emissions of GHGs and builds on the pre-existing tax regime on crude oil and coal imports. The introduction of the carbon tax is one of the items of the Tax Reform Act 2012.

In 2005, Japan's Voluntary Emission Trading Scheme (JVETS) was established by the Ministry of the Environment Japan. There is also a carbon offset credit system called Japan-Verified Emission Reduction (J-VER), which started in 2008. At subnational level, Tokyo launched a mandatory carbon reduction scheme which includes the Tokyo ETS. The Saitama prefecture also has a voluntary ETS.

Transportation

The sixth communication to the UNFCCC (2013) states that the government will aim to increase the share of highly energy-efficient next-generation vehicles in the new car sales from 50% to 70% by 2030. Tax incentives for low-polluting and next-generation cars, though not explicitly designed to cut CO_2 emission, are expected to increase the share of next-generation vehicles that would contribute to carbon reduction. There are two types of automobile tax schemes: green tax on motor vehicles and eco-car tax reduction scheme. The green tax (introduced 2002) provides a tax break for low-polluting vehicles and increases tax rates for petroleum-based vehicles more than 13 years old and diesel vehicles more than 11 years old. The eco-car tax reduction (introduced in 2009) is applicable for vehicles meeting emission standards, including EVs. The tax reduction is 50-100% for automobile weight tax and 60-100% for automobile acquisition tax (as of 14 January 2015). Consequently, new generation cars accounted for 23.3% of new car sales in 2013 as opposed to 3% in 2008.

The government also announced it will support bulk purchases of EVs that will lead to a price reduction, support research and development to extend a cruising range and reduce cost. Efforts are being made to review regulations and support release of fuel-cell vehicles to the market in 2015 – hydrogen infrastructure will be expanded and supported. Additional initiatives are mentioned in the communication to the UNFCCC, such as supporting modal shifts and public transportation, improved flow of traffic and environmentally friendly usage of vehicles.

In January 2015 the cabinet partially amended the Law on Special Tax Measures. The amendment reduces tax rates and extends the types of automobile subject to green taxes. Newly introduced car includes clean-diesel automobiles (that meet 2009 gas emission standard), for which the tax is reduced by 75%. This reform will also extend tax reduction for new light automobiles. A planned tax increase for two wheelers will be postponed from 1 April 2015 to 1 April 2016.

Adaptation

Japan is highly vulnerable to the following impacts of climate change: sea level rise leading to serious and frequent high tides and coastal erosions; more intense typhoons leading to more serious and frequent floods and sediment disasters; and a variation in precipitation and earlier snow melt changing river flow and water use patterns and leading to droughts in summer. Most adaptation measures are taken at subnational level. Several prefectures have established measures, for example, alert systems to floods and heat strokes in the Kyoto prefecture, a task force for adaptation in the Nagano prefecture and coastal protection and water resource management in the Okinawa action plan.

At the national level, the main efforts have focused on research identifying challenges in light of a future adaptation plan. A key element in this was the 2010 report published by a cross-sectoral Committee on Approaches to Climate Change Adaptation, compiled by scientists, professionals from the main sectors and local and national government representatives. In 2012 a new comprehensive report on observation and prediction of climate change was published. The main findings are to be discussed in early 2015, and a national adaptation plan is expected by summer 2015.

Japan: Legislative Portfolio

Name of law	**Low Carbon City Promotion Act (Eco-city Law) (Law No. 84 of 2014)**
Date	Passed 28 August 2012, came into force 4 December 2012

Summary	The Law is designed to establish a recognition system for low carbon buildings that contribute to the reduction of CO_2 in cities, and to give preferential treatment to the buildings of high-performance evaluation through incentives such as tax reduction. Local government is required to make a Low Carbon City Development Plan, and the government gives financial support to the local government which aims for a compact, energy-efficient city.
	
	Low Carbon City Development Plan requires the following:
	• Targets of low carbon city development
	• Summary of following components necessary to achieve the above targets:
	  ○ City function
	  ○ Promotion of the use of public transportation
	  ○ Rationalisation and collaboration in transportation of goods
	  ○ Conservation of green space and its promotion
	  ○ Use of sewage-derived heat, solar and other non-fuel energy or on the utilisation of fuel-based facilities committed to efficient use of fossil fuel
	  ○ Promotion of energy efficiency of buildings and other carbon-reducing measures
	  ○ Promotion of low carbon emitting cars and others related to reduction of carbon emission
	• Evaluation on the achievement state of low carbon city development targets
	
	Certification criteria for low carbon buildings are defined in relation to the standards set by the Energy Conservation Law and ministerial measures implemented by the Ministry of the Environment, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Tourism, These include the following:
	• Solar PV panels on the roof
	• Thickness of ceiling insulation above 180mm
	• Thickness of wall insulation above 100mm
	• Thickness of flooring insulation above 100mm
	• Window blinds to block the sun on windows located on the East and West
	• Peaked roof on South side
	• Multiple-layered glass on windows, preferably heat insulating

Name of law	**Act Partially Amending the Law on Special Tax Measures (Tax Reform Act 2012) (Law No. 16 of 2012)**
Date	31 March 2012
Summary	Part of the tax reform implemented by this amendment Act is the introduction of a carbon tax for climate change mitigation purpose, beginning in October 2012. The tax builds onto the pre-existing tax regime on crude oil, gaseous hydrocarbon and coal

	imports (JPY2,040, JPY1,080 and JPY700 (USD17.33, USD9.17 and USD5.95 respectively). The amount of tax that companies have to pay on a kilolitre of oil was introduced at a rate of JPY250 (USD2.12) during the fiscal year to March 2013. The tax will be increased to JPY260 (USD2.21) from April 2016. All the tax revenue will be allocated to curb energy-oriented CO_2 emission, including introduction of renewable energy and enhancement of energy-saving measures.

Name of law	**Act on Purchase of Renewable Energy Sourced Electricity by Electric Utilities (Law No. 108 of 2011)**
Date	Passed 26 August 2011, enforced 1 July 2012, last amended 18 June 2014
Summary	This Act obliges electric utilities to purchase electricity generated from renewable energy sources (solar PV, wind power, hydraulic power, geothermal and biomass) based on a fixed-period contract with a fixed price. Costs incurred by the utility in purchasing renewable energy sourced electricity shall be transferred to all electricity customers, who pay the "surcharge for renewable energy" in general proportional to electricity usage. Utility companies users that had been severely affected by the 2011 tsunami and earthquakes are exempted. A committee to calculate purchasing price is established under this law, which consists of 5 members with expertise in electricity business and economy, appointed by the Minister of Economy, Trade and Industry upon approval of both chambers of the Parliament.

Name of law	**Law Concerning the Promotion of Contracts Considering Reduction of Emissions of Greenhouse Gases and Others by the State and Other Entities (Environment Consideration Contract Law) (Law No. 56 of 2007)**
Date	May 2007
Summary	This law aims to enable public authorities, such as the State and local governments, when making a contract, to maintain a fixed level of competition, while evaluating bids in terms of environmental performance as well as cost, and to make contracts with suppliers of products and or services that offer the best environmental performance. The law requires government and independent administrative agencies to: • Make practical use of energy • Promote green contracts with regards to procurement of electricity, automobiles, ships, ESCOs, buildings and industrial waste management. • Develop a policy on the promotion of green contracts and implement them by heads of ministries or agencies • To compile and publish a summary of concluded green contracts, and inform the Minister for the Environment

Name of law	**Fundamental Law on Energy Policy (Basic Act on Energy Policy) (Law No. 71 of 2002)**
Date	14 June 2002
Summary	A lawmaker-initiated legislation, this Law sought to set out the country's fundamental and overall energy policy direction after the approval of the Diet. It sets the principles on the use of market mechanisms to encourage a secure and more environmentally friendly supply of energy. It provides that the State has a responsibility to create overarching energy plans (called Strategic Energy Plan, also known as Basic Energy Plan in Japanese) and commit to reducing environmental impacts. The role of subnational governments is to implement the national measures in own jurisdiction. A Strategic Energy Plan sets out basic energy measures, long-term and comprehensive measures and research and development needed to achieve the above. The Plan is sent to discussion and adoption by the Diet and to date four plans have been adopted (October 2003, March 2007, June 2010, April 2014). The Forth Strategic Energy Plan added safety into the basic policy perspective, on top of the 3Es mentioned in the previous plans: energy security, economic efficiency and environment (3E+S). Diversification of energy sources and flexible and efficient energy demand structure are the two basic pillars of energy policy, reflecting the learning from the 2011 energy crisis. Promotion of resilient energy supply structure and improvement of self-sufficiency of energy supply are emphasised as national interest for energy policy.

Name of law	**Law Concerning the Promotion of the Measures to Cope with Global Warming (Act on Promotion of Global Warming Countermeasures) (Law No. 107 of 1998)**
Date	Passed 9 October 1998, came into force 16 February 2005, last amended 30 May 2014
Summary	This Law is one of the two key climate laws in Japan along with the Energy Conservation Law. The purpose of the Law is to reduce emissions of GHGs derived from anthropogenic activities. GHGs are carbon dioxide, methane, nitrous oxide, HFC, PFC and sulphur hexafluoride. The Council of Ministers for Global Environmental Conservation is established under the Law. The Council is chaired by the Prime Minister, and vice-chairmen are the Chief Cabinet Secretary, Minister of the Environment and Minister of Economy, Trade and Industry. Other members consist of all ministers other than vice-chairmen. Designated emitters, whose workplaces contain more than 1,500kL of oil equivalent of energy annually, are mandated to develop the Plan for Global Warming Countermeasure. While there is no reduction obligation under this law, annual emission of GHGs are reported to the Minister in charge. Emission reporting under this framework equals that of the reporting under the Energy Conservation Law. This Law stipulates that the State is responsible for implementing necessary measures to introduce Emission Trading Scheme (ETS) in Japan. It adds that examination and discussion of the design and the utilization of ETS starts upon the enactment of this Law. This Law also provides that local governments are responsible for implementation of the measures to counter global warming. Prefectural governments and their municipal

	governments (cities, towns and villages) are required to create local plans to reduce GHG emissions. The plans include: • Duration of the plan • Goals • Measures and actions intended for implementation • Promotion of solar PV, wind and other renewable energies • Measures and actions taken by business professionals and citizens to reduce GHG emission • Promotion of public transport use, conservation of green space and other GHG emission reduction measures

Name of law	**Law Concerning Special Measures for Promotion of New Energy Use (Special Measures Law for Promoting the Use of New Energy) (Law No.37 of 1997)**
Date	23 June 1997, last amended 13 June 2014
Summary	The Law aims to accelerate the advancement of the introduction of New Energy. This Law, while clarifying the role of each area for the overall advancement of new energy usage, provided financial support measures for utilities that use new energy. New energy is non-fossil energy, as defined in the Law Concerning the Promotion of Development and Introduction of Oil Alternative Energy (1980, see below). Based on this Law, a fundament policy to provide for basic matters concerning measures for each area that the public, utilities and governments should consider was determined in September 1997. The amendment added "New Energy use, etc." to Article 1 of the Act. Then, Biomass Energy and Cool Energy could be added. In April 2008, the definition of "New Energy" was changed and became almost equivalent to renewable energy, but large-size hydropower generation and geothermal power are excluded.

Name of law	**Law Concerning the Promotion of Development and Introduction of Oil Alternative Energy (Law No. 71 of 1980)**
Date	Passed 14 May 1980, came into force 30 May 1980, last amended 2014
Summary	After the oil price crises in the 1970s, the government enacted this Law and implemented measures for the development and introduction of alternatives to oil, including renewable energy. Oil Alternative Energy is defined in this law as following: • Energy other than fossil fuel used for burning (as provided by Ministerial Order by the Ministry of Economy, Trade and Industry); • Energy other than heat that derives from fossil fuel, expect the above; and • Energy converted from the heat produced by burning of fossil fuel. Under the Law, the New Energy Development Organisation (NEDO; from 1988, the New Energy and Industrial Technology Development Organisation) was established in October 1980. In 2003, NEDO was reorganised as an Incorporated Administrative Agency.

Name of law	**Law Concerning the Rational Use of Energy (Energy Conservation Act) (Law No.49 of 1979)**
Date	Passed in 1979; last amendment on 28 November 2014 (came into force 30 November 2014)
Summary	The Law is the pillar of Japanese energy conservation policy as well as one of the two key climate law. It was enacted in 1979 in the light of the oil shock with a purpose of promoting effective and rational use of energy. It covers the following sectors: energy management in the industrial, commercial, residential and transportation sectors; energy efficiency standards for vehicles and appliances. The subjects of the Law are factories and workplaces that consume more than 1,500kL of oil equivalent energy annually. Among factories, there are two categories: Factory I that uses more than 3,000kL equivalent; and Factory II that uses between 1,500-3,000kL equivalent. Currently, it covers approximately 90% of the operators in the industrial sector. Energy defined under this Law covers energies derived from oil, natural gas, coals, heat (fossil-derived) and other sources of energy derived from the above. Electricity derived from renewable sources such as solar PV, wind and biomass are not subject for this Law. Designated businesses are required to produce reports (regular reporting for Factory II, both regular and mid-term reporting for Factory I) to the Energy Agency of the Ministry of Economy, Trade and Industry. The purpose of this is to report amount of fuel, heat and electricity used in the subject period. Reduction target of 1% on average is set out under the law, with a fine up to JPY1m (USD8,495) according to the violation. This Law also mandates an appointment of licensed energy managers for the designated businesses. Other measures include energy efficiency standards for vehicles and appliances, energy conservation labelling, energy regulation for housing and building and Positive Evaluation of Action to Reduce Peak Demand Electricity. The Top Runner Programme was introduced in a 1990 amendment, which certifies manufacturers and other entities that satisfy “Top Runner” criteria. Criteria for the energy-saving performance regarding their products within the target fiscal years (within 3 to 10 years) are set based on the performance of the products with the highest (according to latest level) energy consumption efficiency (top runner performance). The programme applies to machinery, equipment, and building materials, as well as LED lamps and three phase induction motors. The last amendment, in November 2014, added windows to the programme.

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