

THE MOTOR VEHICLE RECALL SYSTEM IN JAPAN

Transmitted by Japan

1. Abstract of Japanese Recall System

1.1. Background of establishment

The motor vehicle recall system in Japan started in the year 1969 by amending part of the Ordinance. As a background, the occurrence of defective motor vehicles became a serious social problem and began to draw much problem attention. After that, in 1994, provisions of the recall system were incorporated into the Road Vehicles Act so that the scope of manufacturers' responsibility became clear.

1.2. Recall notification

When the motor vehicle manufacturer, etc. takes the necessary corrective action to remedy the noncompliance or potential noncompliance with the Safety Regulation due to the design or production process, concerning the construction, devices or performance of specific motor vehicles within a certain type, he shall notify beforehand the following items to Minister of Land, Infrastructure and Transport (hereinafter "the Minister").

- Situation of construction, devices or performance that is determined not to or potentially not to comply with the Safety Regulations, and its cause;
- Contents of the corrective action;
- Measures whereby the users of the motor vehicles concerned are informed of the items provided for in the preceding two Items, and measures to inform operators of motor vehicle reassembling business of the above items.

The motor vehicle manufacturer, etc. who made the recall notification reports the progress of the corrective action concerned periodically.

1.3. Audit

The Ministry of Land, Infrastructure and Transport conducts the audit for motor vehicle manufacturers, etc. in order to check whether their recall businesses are carried out fairly.

1.4. Penalty

Any person who has made no report or false report when the Minister has requested, or who has refused, prevented or evaded the Minister's inspection or has made no statement or a false statement in response to inquiry shall be sentenced to punishment with a criminal fine of ¥200,000 or less.

Any person who has not made the recall notification or has made the false notification shall be sentenced to a fine of ¥1,000,000 or less.

1.5. Recall Recommendation

When the manufacturers, etc. take no corrective action, the Minister may recommend them to take the action. In cases where they do not obey the recommendation, the Minister may make a public announcement to that effect.

1.6. Others

In detail, refer to the Pamphlet delivered.

2. Review of the Recall System

Japanese government has reviewed the recall system and submitted the proposal of revision of the Road Vehicles Act to the Parliament. At present the proposal is under consideration at the Parliament. The outlines of the proposal are following.

- The provision is introduced that, when the motor vehicle manufacturers, etc. concerned take no corrective action after recommendation and public announcement, the Minister may order them to take the action concerning the recommendation.
- The penalties on recall are strengthened, so that, both of the penalties of paragraph 1.5 are revised to either imprisonment of one year or less or punishment with a fine of ¥3,000,000 or less or to both of them. Furthermore, when the representative of a corporation, etc. has committed the offenses, the corporation shall be also sentenced to punishment with a fine of ¥200,000,000 or less.
- The recall system on aftermarket equipment is introduced. The equipment will be limited to Tires and Child Safety Seats. The above-mentioned revisions on motor vehicle recall system are also applied on the aftermarket equipment recall system.
- The revision of vehicle recall system shall be in enforce 6 months after the proclamation of the revised Act, and the revision of aftermarket equipment recall system shall be in force 1 year and 6 months or less after the proclamation.
