International Comparative Legal Guides

Environment & Climate Change Law 2026

A practical cross-border resource to inform legal minds

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1 Environmental Policy and its Enforcement

1.1 What is the basis of environmental policy in your jurisdiction and which agencies/bodies administer and enforce environmental law?

The basis of Japan's environmental policy is to counter serious pollution issues that arose during the rapid post-WWII industrialisation of the country. First, the Basic Act for Pollution Control was enacted in 1867, which was followed by individual laws that deal with various types of pollution – the Air Pollution Act of 1968, the Noise Regulation Act of 1968, and the Water Pollution Prevention Act of 1970. In 1972, the Environmental Agency was formed within the Prime Minister's Office to deal with pollution issues and the conversation of nature (i.e., the protection of endangered species as well as administration of national parks, etc., and the Act on Nature Conservation was also enacted in the same year). The Basic Act for Pollution Control and the Act on Nature Conservation were combined in 1993 as the Basic Act on Environment, and currently, this law is the legal basis for environmental polices in Japan. The Environmental Agency was elevated as an independent ministry in 2001 to become the Ministry of Environment.

1.2 What approach do such agencies/bodies take to the enforcement of environmental law?

Environmental laws are primarily enforced through regulatory approaches. These include substantive regulations that require compliance with specific standards, as well as procedural regulations that mandate reporting obligations. Failure to comply with these obligations may result in penalties, improvement orders or suspension of operations. In recent years, framework regulatory approaches involving progressive measures such as recommendations, public disclosure, orders and penalties have become increasingly common.

In addition to these, incentive-based approaches are also used. These include: (i) economic incentives, such as emissions trading, taxes and subsidies; (ii) methods that encourage stakeholders to take environmentally responsible action by disclosing information; and (iii) methods whereby administrative bodies, businesses and residents establish environmental agreements, such as pollution prevention agreements.

Furthermore, there are methods to prevent environmental impacts before they occur, or to restore environmental degradation that has already occurred, which involve investing public funds in projects. These include pollution prevention projects, ecosystem maintenance and restoration projects, and natural regeneration projects.

1.3 To what extent are public authorities required to provide environment-related information to interested persons (including members of the public)?

National government and certain local governments responsible for relevant administrative functions under applicable laws are required to compile and publish data reported by businesses, such as information on chemical and greenhouse gas emissions. Furthermore, based on legislation such as the Act on the Promotion of Environmental Consideration, they are required to publish information on how the law is being enforced, including details of report preparation by specified businesses. They are also required to observe, monitor and publish specific information, such as changes in atmospheric concentrations of substances related to global warming, as well as ecosystem data. To ensure transparency in administrative activities, disclosure and explanation of such activities is also required. For example, when installing large-scale facilities such as renewable energy plants, communication with residents based on guidelines is required.

2 Environmental Permits

2.1 When is an environmental permit required, and may environmental permits be transferred from one person to another?

In Japan, a universal permit for environment does not exist, and one needs to check individual environmental laws and regulations to determine whether its activities require a permit of some kind. In some cases, a permit is required to engage in certain activities, such as the handling and disposal of industrial waste. In other cases, a permit is required for operating certain facilities, such as various electronic power plants. Lastly, while this may not be a "permit" in the narrow sense, some activities need to abide by environmental regulations, such as emissions and discharge control and soil contamination in factories.

2.2 What rights are there to appeal against the decision of an environmental regulator not to grant an environmental permit or in respect of the conditions contained in an environmental permit?

There are typically two channels available. One is by way of

an "administrative appeal" pursuant to the Administrative Complaint Review Act, in which an appeal is filed with the branch of the government that oversees the permit-granting authority. For example, the permit to operate a waste disposal site is granted by each prefecture (for Tokyo, it would be the Tokyo Metropolitan Office), and if the prefecture rejects granting of a permit, it could be appealed to the Ministry of Environment. Another channel is through the court, and the court will review the decision made by the executive body of the government. It should be noted that the method of appeal may differ among each permit, and sometimes the party challenging the decision needs to first make an administrative appeal before going to court.

2.3 Is it necessary to conduct environmental audits or environmental impact assessments for particularly polluting industries or other installations/projects?

Yes, for certain projects, an environmental impact assessment is required. There are 13 types of projects that require environmental impact assessments based on the Environmental Impact Assessment Act, such as roads, dams, railways, airports, and power plants. The Environmental Impact Assessment Act categorises projects into "Type 1 Projects", which are large-scale and have a large impact on the environment, and if a project falls under this "Type 1" (the classification is based on certain numerical parameters), an environmental impact assessment is always required. Smaller projects are categorised as "Type 2" and it will be up to the local government to determine whether an environmental impact assessment is required. Smaller projects are not subject to environmental impact assessment.

2.4 What enforcement powers do environmental regulators have in connection with the violation of permits?

Regulators, depending on the law, have powers to issue remedial orders, and if the remedial order is not followed, they have authority to revoke the permit and/or seek criminal prosecution. Many regulations take this two-step approach (first remedial order, next, criminal prosecution). Also, regulators may issue "administrative guidance" (*gyosei-shido*), which does not have enforcement powers (i.e., it is not compulsory to follow it), but expects violators to follow. Regulators also use *gyosei-shido* when the law does not authorise them to issue remedial orders.

3 Waste

3.1 How is waste defined and do certain categories of waste involve additional duties or controls?

"Waste" is defined under the Act on Waste Management and Public Cleaning as "filth or unnecessary objects such as rubbish, bulky rubbish, burnt ash, sludge, excreta, waste oils, waste acids, waste alkalis, animal corpses, in solid or liquid form". The Act further explicitly excludes nuclear waste (this is regulated by another statute). Basically, the definition for waste is anything that is of no value. The Act further categorises waste into "industrial" waste (waste that is generated by business activities) and "general" waste (household waste). Industrial waste needs to be handled and disposed of by the generator of the waste or be consigned to a permit holder. General waste is to be collected and disposed of by local governments.

3.2 To what extent is a producer of waste permitted to store and/or dispose of it on the site where it was produced?

The basic rule is for the generator of the industrial waste to handle and dispose of the waste, and there are regulations on how waste should be handled and disposed of. As noted, a permit is required to engage in the handling and disposal of waste for others, and if the waste generator is to consign handling and disposal of waste to a third party, such third party needs to hold a waste disposal business permit. In practical terms, waste disposal is typically consigned to the permit holder instead of being handled by the generator.

3.3 Do producers of waste retain any residual liability in respect of the waste where they have transferred it to another person for disposal/treatment off-site (e.g. if the transferee/ultimate disposer goes bankrupt/ disappears)?

In some circumstances, yes. If the generator of industrial waste entered into a contract in which the disposal fee was too low or if the waste disposer falls into financial issues and is unable to properly dispose of the waste, it is possible that it will be required to provide remedial measures (including disposing of the waste) (Art. 19-6 of the Act on Waste Management and Public Cleaning).

3.4 To what extent do waste producers have obligations regarding the take-back and recovery of their waste?

The generator of industrial waste is required to meet "consignment standards" when consigning the handling and disposal of waste, and if issues arise due to the violation thereof, then the generator may be required to take remedial measures, which includes take-back and recovery of the waste (Art. 19-5 of the Act on Waste Management and Public Cleaning).

4 Liabilities

4.1 What types of liabilities can arise where there is a breach of environmental laws and/or permits, and what defences are typically available?

Other than being subject to revocation of permits, a violator of environmental laws (i.e., the polluter) may be subject to "civil liability". Having a "civil liability" means that the polluter is liable to pay for damages caused by the pollution. Under the Japanese Civil Code, the polluter is only liable for damages with "causal link/causation". The burden of proof of proving a "causation" is borne by the victim, and this may be difficult in many pollution cases. Some laws impose strict liability (for example, the Air Pollution Control Act, Noise Regulation Act, and the Water Pollution Prevention Act) and the burden of proof is on the polluter to disprove "causation".

4.2 Can an operator be liable for environmental damage notwithstanding that the polluting activity is operated within permit limits?

Yes, because the law for liability for damages caused by the

pollution (i.e., the Civil Code/tort law) is different from regulatory law. If the victim is able to prove (i) damage, and (ii) causation between the polluting act (such as discharge or emissions) and the damage, then the polluter will be held liable under the Civil Code.

4.3 Can directors and officers of corporations attract personal liabilities for environmental wrongdoing, and to what extent may they get insurance or rely on other indemnity protection in respect of such liabilities?

Yes, because there is no law that exempts the acts of directors or officers of a company – they will be held jointly liable if negligence or a wilful act that led to damage can be proven. With respect to pollution by a company, D&O insurance is typically not available for directors and officers, and to cover the liability of directors and officers, an insurance dedicated to the issue needs to be purchased.

4.4 What are the different implications from an environmental liability perspective of a share sale on the one hand and an asset purchase on the other?

For soil contamination, an asset transfer may trigger the requirement to take remedial issues if the purchaser decides to use factory land for other purposes. A share sale, on the other hand, does not in itself trigger such obligations, as the legal entity owning the land remains unchanged; however, environmental liabilities remain with the target company and are indirectly assumed by the buyer through ownership of the shares.

4.5 To what extent may lenders be liable for environmental wrongdoing and/or remediation costs?

Lenders are not liable for environmental wrongdoing and/or remediation cost unless they are determined to have aided and abetted to the damage caused to the environment. Pursing lenders for environmental liabilities would be challenging and is not commonly pursued.

5 Contaminated Land

5.1 What is the approach to liability for contamination (including historic contamination) of soil or groundwater?

Under the Soil Contamination Countermeasures Act, the landowner is the party primarily liable for remedial actions. However, if the landowner can prove the soil contamination was caused by someone else, the landowner is entitled to seek compensation for the clean-up cost to such party.

5.2 How is liability allocated where more than one person is responsible for the contamination?

That will not happen under the Soil Contamination Countermeasures Act because only the landowner bears liability to take remedial actions. The landowner may seek compensation for the costs of remedial actions against the party who caused the soil contamination. If both the landowner and a third party is liable, the cost for remedial actions will be shared based on the contribution to the contamination.

5.3 If a programme of environmental remediation is "agreed" with an environmental regulator, can the regulator come back and require additional works or can a third party challenge the agreement?

The law does not base remedial actions based on "agreement". The regulator orders remedial actions, and once an order is issued, it will not be reversed unless challenged through appropriate channels.

5.4 Does a person have a private right of action to seek contribution from a previous owner or occupier of contaminated land when that owner caused, in whole or in part, contamination, and to what extent is it possible for a polluter to transfer the risk of contaminated land liability to a purchaser?

Yes, although the landowner is liable under the Soil Contamination Countermeasures Act, it may seek private actions against other contributors to the contribution. Since it is the landowner that bears liability under the Soil Contamination Countermeasures Act, there is no need for the polluter to "transfer" the risk to the purchaser.

5.5 Does the government have authority to obtain from a polluter, monetary damages for aesthetic harms to public assets, e.g. rivers?

No, there is no such system available under Japanese law, and monetary damages must be obtained by a private party who was impacted by the soil contamination.

6 Powers of Regulators

6.1 What powers do environmental regulators have to require production of documents, take samples, conduct site inspections, interview employees, etc.?

This depends on the type of contamination/pollution, but, generally, authorities will have the right to seek production of documents, make site visits and take samples, and interview employees if an incident of contamination has occurred or is reasonably speculated to have occurred. Unless for criminal investigations, such inspections do not require a warrant issued by the court.

7 Reporting / Disclosure Obligations

7.1 If pollution is found on a site, or discovered to be migrating off-site, must it be disclosed to an environmental regulator or potentially affected third parties?

This depends on the type of contaminants. Operators of facilities that generate hazardous substances are required to provide information on such release to regulators pursuant to the so-called PRTR Act. The regulator will then disclose a summary of the collected information, and third parties may request disclosure of information as well. For greenhouse gas emissions, the regulators compile a report of emissions per establishment, per industry, and per Japan, which is then disclosed to the general public except for emissions per establishment, which is only disclosed on-demand.

7.2 When and under what circumstances does a person have an affirmative obligation to investigate land for contamination?

The law requires the landowner to survey contamination of the soil when: (i) the landowner ends operation of a facility (such as a factory) that produces hazardous substances; or (ii) the regulator determines there to be risks to public health due to the soil contamination. If the survey reveals soil contamination, the landowner will be required to take remedial actions such as containing the contamination or removal thereof.

7.3 To what extent is it necessary to disclose environmental problems, e.g. by a seller to a prospective purchaser in the context of merger and/or takeover transactions?

There is no regulation that requires such disclosure; however, in practice, it is typical to make the seller represent and warrant that there are no material environmental issues, and if material issues exist, such will be disclosed in M&A agreements.

8 General

8.1 Is it possible to use an environmental indemnity to limit exposure for actual or potential environment-related liabilities, and does making a payment to another person under an indemnity in respect of a matter (e.g. remediation) discharge the indemnifier's potential liability for that matter?

Yes, as long as such is agreed as one of the terms of a contract (and under Japanese law, a contract is binding as long as the parties have agreed to be bound by it). On the other hand, abusive contractual clauses are void and unenforceable (Art. 1 of the Civil Code), and generally, grossly unfair terms that force the other party to bear environmental risks in spite of their minor or lack of contribution to the risk will risk being challenged.

8.2 Is it possible to shelter environmental liabilities off-balance sheet, and can a company be dissolved in order to escape environmental liabilities?

No, there is no method to shelter environmental liabilities off-balance sheet, and if environmental liabilities are not on balance sheets, it will merely be a contingent liability. Dissolving a company to avoid environmental liabilities is not without risk, as the dissolution may be voided if the dissolution is deemed to be fictitious (i.e., it would be fictitious if the sole purpose was to avoid liability) and directors may be held directly liable for damages caused by his/her negligence (Art. 429 of the Companies Act).

8.3 Can a person who holds shares in a company be held liable for breaches of environmental law and/or pollution caused by the company, and can a parent company be sued in its national court for pollution caused by a foreign subsidiary/affiliate?

No, because of limited liability, unless there are circumstances where the corporate veil may be pierced, such as when assets and human resources are commingled with the parent company/shareholder. Generally, piercing the corporate veil is difficult.

8.4 Are there any laws to protect "whistle-blowers" who report environmental violations/matters?

There is no law that is dedicated to whistle-blowers who report environmental violations/matters, but there is a general law in Japan that protects whistle-blowers who report on violations that are punishable as a criminal offence, which includes violations of environmental laws and regulations.

8.5 Are group or "class" actions available for pursuing environmental claims, and are penal or exemplary damages available?

No, Japanese law does not have class actions.

8.6 Do individuals or public interest groups benefit from any exemption from liability to pay costs when pursuing environmental litigation?

No, there is no such exemption available.

9 Climate Change and Emissions Trading

9.1 What is the overall policy approach to climate change regulation in your jurisdiction?

The Act on the Promotion of Global Warming Countermeasures serves as the fundamental framework. Based on this Act, the government has established a Global Warming Countermeasures Plan. The latest plan was adopted in February 2025 and sets various measures aimed at achieving net-zero emissions by 2050. The plan includes measures for each industrial sector and aims to implement Growth-Oriented Carbon Pricing. Legal frameworks are being developed to enable the nationwide and full-scale operation of an emissions trading system. Regarding carbon taxes, a global warming tax rate is applied on top of existing taxes on crude oil, gaseous hydrocarbons, coal, etc. A flat-rate carbon pricing system for carbon emissions is scheduled to be phased in for fossil fuel importers starting in fiscal year 2028. Additionally, climate-related and ESG (environment, social and governance) disclosure rules to support ESG investment are being developed.

9.2 What is the experience of climate change litigation in your jurisdiction?

Injunctions and administrative lawsuits have been filed against the construction and operation of coal-fired power stations. Courts tend to reject injunctions, finding it difficult to recognise the plaintiffs' asserted "right to a stable climate" and "environmental rights" as specific legal interests, and that the causal link is tenuous. Administrative lawsuits have also denied legal standing to plaintiffs on the grounds that the effects of global warming due to CO_2 emissions are not sufficiently direct.

Climate change-related pollution mediation proceedings have also been initiated, but the courts have ruled that global warming does not constitute pollution.

9.3 What emissions trading schemes are in operation in your jurisdiction and how is the emissions trading market developing?

Credit transactions include several types, such as J-Credits

and transactions under systems introduced by local governments. Regarding J-Credits, a "Carbon Credit Market" was established on the Tokyo Stock Exchange in 2023, and trading of J-Credits through this market has commenced. The GX League is developing the emissions trading mechanism for J-Credits, with full-scale operation scheduled to commence within the 2026 fiscal year. (The GX League is an organisation preparing for a mechanism (emissions trading) to adjust emissions between companies, operating under the cooperation of relevant ministries and agencies, the business community, the financial sector, academic institutions, and others.)

Furthermore, cap-and-trade systems have been established at the local government level in some areas (Tokyo Metropolis, Saitama Prefecture).

9.4 Aside from the emissions trading schemes mentioned in question 9.3 above, is there any other requirement to monitor and report greenhouse gas emissions?

Under the Act on the Promotion of Global Warming Countermeasures, business operators emitting greenhouse gases above a certain threshold are subject to reporting obligations. They are required to report their total emissions on a company-wide basis covering all operations nationwide.

Furthermore, under the Act on the Rational Use of Energy (Energy Conservation Act), certain business operators are required to submit periodic reports.

Additionally, primarily listed companies will be required to disclose their own emissions in their securities reports under the Financial Instruments and Exchange Act. This requirement will be implemented in stages determined by the scale of the reporting entity. Disclosure of emissions across the entire supply chain is also expected to be required in the future.

Local authorities such as Tokyo Metropolitan Government and Saitama Prefecture also impose reporting obligations on large-scale facilities based on their own criteria.

10 Environmental Insurance Liabilities

10.1 What types of environmental insurance are available in the market, and how big a role does environmental risks insurance play in your jurisdiction?

In Japan, there is insurance for covering damages caused by environmental "accidents" (i.e., contamination caused by negligence). This is a type of liability insurance and target customers are companies that bear environmental risks, such as companies that operate factories or handle hazardous substances, and it may be common in such industry to purchase this type of insurance.

10.2 What is the environmental insurance claims experience in your jurisdiction?

In Japan, insurance claims related to environmental pollution accidents are made at various sites such as factories, piping, and paving construction, and insurance payment results ranging from tens of thousands of yen to hundreds of millions of yen have been published and documented.

11 Recent Developments and Forthcoming Trends

11.1 Please provide a brief summary of the most significant recent new cases and developments in environmental law in your jurisdiction.

In order to achieve a decarbonised society by 2050, the Energy Conservation Act, the Global Warming Prevention Act and the Building Energy Conservation Act were all amended and enacted successively in 2022. Furthermore, the Special Measures Law for Renewable Energy came into effect in April 2024. These measures strengthened project discipline by requiring prior notification to local residents, such as holding explanatory meetings, as a condition for Feed-in-Tariff/Feed-in-Premium (FIT/FIP) certification, and by introducing measures to temporarily suspend subsidies for non-compliant operators. The GX League was also established in 2022, and the government plans to issue GX Economic Transition Bonds worth approximately 20 trillion yen over a 10-year period starting in the 2023 financial year. Companies must join the GX League to receive such support under this framework. Participating companies must set and report greenhouse gas emission targets, and undergo third-party verification in accordance with the relevant guidelines. Efforts to create J-Credits and advance the emissions trading system, promoted by the GX League, are progressing. Additionally, the Sustainability Standards Board of Japan (SSBJ) published the SSBJ Standards in March 2025, based on the International Sustainability Standards Board (ISSB) standards, to serve as Japan's benchmark.

On the other hand, the rapid development of wind and solar plants has caused friction with the local population, and in addition, issues with abuses of the system (i.e., questionable use of government subsidies, etc.). The Renewable Energy Special Measures Act was amended to tighten project certification from April 2024, aiming for "community co-existence" and stronger "business discipline" using FIT/FIP systems. The key change is formally requiring resident briefings/advance notice for FIT/FIP certification, with detailed rules on scope, timing, and when briefings under other laws can suffice. The amendment also introduced a clear "enforcement lever", in which authorities identify objective non-compliance (e.g., based on written guidance) and FIT/FIP payments can be temporarily suspended. In some instances, local governments have attempted to intervene in the development of "mega" solar projects (one famous example is the one in Kushiro wetlands, which is the largest stretch of wetland in Japan, and just outside of the national park border); however, since there is currently no law that can actually enforce intervention, these remain to be attempts only – there may be, however, legislation in the future to deal with this issue and allow revocation of construction permits – this is yet to be seen.

11.2 Please provide your views on any forthcoming trends and "hot topics" in environmental law in your jurisdiction.

Emissions trading using J-Credits in the market promoted by the GX League is scheduled to commence fully in 2026. Furthermore, disclosures based on the SSBJ standards will be introduced in phases starting in 2027 according to companies' market capitalisation.

"Mega" solar projects are also a hot topic in Japan, due to their environmental impact (especially as it obviously degrades the scenery) and some political parties are making it an issue in elections. Similar issues are also found in wind farms, as their megastructures (some of them can be as high as 200 meters) are seen to have negative impact on scenery, pose noise-pollution issues, and also adversely affect migratory birds and birds of prey. On the other hand, increasing the ratio of renewable energies is something that should be promoted in Japan, and we are in a difficult stage at this moment.

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Yasuyuki has advised major Japanese securities lending companies in their securities lending and repo transactions, and represented one of the leading rating agencies in connection with structured finance issues, such as asset-backed securitisations, commercial mortgage-backed securities, and commercial paper programmes in Japan. He has advised and represented a major bank in its euro medium-term note programme and on the issuance of senior notes and green bonds, and advised and represented Japanese investment managers and investment funds, offshore investment funds, and hedge funds with regard to fund formation, operation, and other regulatory matters. Yasuyuki has also acted as a supervisory officer for Japanese real estate investment trusts.

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