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Overview of Japanese Regulations on the Import of Biomass Fuels into Japan

Yoshiaki Otsuki / Shogo Toyooka

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1. Introduction

Recently, biomass fuel projects in Japan have been making headlines in the media[1]. With respect to the import of biomass fuel into Japan, Japan's Basic Energy Plan prescribes, among other things, that: *"Biomass-fired power generation is an energy source with varied benefits as a regionally distributed, locally produced and consumed energy source that offers multiple benefits, including enhanced disaster resilience and revitalization of local industries, leading to positive ripple effects on the local economy and employment."*[2] As such, continued use of biomass fuel is expected to some extent in Japan in the future. However, it has also been pointed out that biomass fuels have some issues, such as high dependence on imports from overseas and the high cost of power generation using biomass fuel.

This newsletter introduces some representative Japanese regulations that may apply when importing biomass fuels into Japan from overseas.

1 Japan's wood pellet imports grow 35% in 2025, Japan increases biomass imports from Indonesia | Bioenergy Insight Magazine, etc.

2 Strategic Energy Plan | Agency for Natural Resources and Energy

2. Japanese Laws and Regulations Applicable to the Import of Biomass Fuels

Below is a brief introduction of Japanese laws and regulations (limited to regulatory laws, however) that relate to the phase of transporting biomass fuels and importing them from overseas into Japan. There are many other regulations that may apply to the transportation and import of biomass fuels, including regulations concerning vessel operations (such as the Ship Act and the Port and Harbour Act). Accordingly, we describe here only the typical regulations, or those that may become issues, that are particularly relevant to biomass fuels. Likewise, we omit a discussion of the phase in which biomass fuels imported into Japan are sold domestically or transported over land.

2.1. Act on Prevention of Marine Pollution and Maritime Disaster

If a vessel carrying biomass fuels were to cause a spill of biomass fuels at sea (within Japan's territorial waters), liability under the Act on Prevention of Marine Pollution and Maritime Disaster could become an issue. In particular, if the relevant biomass fuel was classified as a "hazardous substance" (i.e., a flammable substance specified by applicable regulations), it would be subject to regulations for "hazardous substances." Accordingly, the most important issue is whether the biomass fuel constitutes a "hazardous substance" under the relevant rules (noting that there are also other obligations under the Act).

Among biomass fuels, certain woody biomass products (such as solid wood pellets) have a flash point of 60°C or lower, and such products fall under the category of "hazardous substances." Similarly, certain bio-oils (including liquefied woody biomass products) have a flash point of 60°C or lower, and they also fall under the same category. In addition, typical bioethanol has a flash point of 60°C or lower, and therefore, also falls under that category. By contrast, typical biodiesel has a flash point exceeding 60°C, and therefore, biodiesel does not fall under the category of "hazardous substances."

Biogas varies in flammability depending on the proportion of methane gas it contains and may, if prescribed conditions are met, fall under the category of "hazardous substances."

As described above, among biomass fuels, certain types of woody biomass products (such as solid wood pellets and liquefied bio-oil), bioethanol, and certain biogas may fall under the category of "hazardous substances." Where a biomass fuel is categorized as a "hazardous substance," the following obligations may be imposed under the Act: (i) measures to be taken in the event of a discharge of "hazardous substances"; (ii) measures to be taken in the event of a fire at sea; (iii) measures to be taken where there is a risk of a discharge of "hazardous substances"; and (iv) restrictions on actions in emergency situations.

2.2. Act on Promotion of Global Warming Countermeasures

Under the Act on Promotion of Global Warming Countermeasures of Japan, certain "specified

emitters" as defined thereunder are required to calculate and report their greenhouse gas emissions. One category of such "specified emitters" includes persons who conduct certain business activities accompanied by GHG emissions. As a typical case, in respect of crude oil, a person who "transports" crude oil in excess of a prescribed quantity may qualify as a "specified emitter," which gives rise to reporting obligations, etc. under the Act.

Since import-related activities are not excluded from this reporting framework, transportation activities of fossil fuels, such as crude oil and LNG, are generally considered to be within its scope. In the case of biogas fuels, while bio-oil and biogas may readily serve as substitutes for existing fossil fuels in terms of energy performance, they are not fossil fuels themselves. Accordingly, as a general matter, biomass fuels would not fall within the scope of this framework. However, even for biomass fuels, if their composition is regarded as equivalent to oil or natural gas, it should be noted that the framework may still apply to their transportation.

2.3. Oil Stockpiling Act

Under the Oil Stockpiling Act of Japan, in general, importers of "crude oil" are required to register thereunder. Upon registration as an importer of crude oil, they will also be subject to certain "stockpiling" obligations to hold a specified quantity of oil or oil gas on a continuing basis. For oil and oil gas, in general, the quantity subject to the stockpiling obligation is calculated based on the import volume after certain deductions.

However, biomass fuels, while produced as substitutes for oil and natural gas, are not oil or natural gas themselves. Accordingly, as a general matter, biomass fuels are not expected to fall within the scope of the registration/notification requirements or private-sector stockpiling obligations above.

2.4. High Pressure Gas Safety Act

Japan's High Pressure Gas Safety Act regulates the "import" and "movement" of "high pressure gas." However, "high pressure gas" onboard a ship is expressly excluded as the subject of this regulation. Therefore, while biomass fuels are situated offshore onboard a ship carrying them, this regulation does not apply.

Conversely, biomass fuels discharged onshore in Japan may fall within the scope of this regulatory regime. Accordingly, the most important issue is whether the relevant biomass fuel qualifies as "high pressure gas," which is defined as gas that has pressure above a prescribed level at normal operating temperature. Therefore, if gaseous biomass fuels such as biomethane (biogas) have the pressure exceeding the relevant threshold at normal operating temperature, they may qualify as "high pressure gas" and be subject to import-related requirements. In contrast, biomass fuels that are not gases at normal operating temperature, such as wood pellets, bio-oil, bioethanol and biodiesel, are not subject to this regulatory regime.

With respect to obligations for "high pressure gas" (although there are also other obligations

under the High Pressure Gas Safety Act), the imported "high pressure gas" and its containers are, in principle, required to undergo an import inspection by the relevant authority and may not be moved until there is confirmation that they conform with the relevant technical standards. However, this import inspection requirement has several exemptions. For example, it is not required if: (i) the gas and cylinders have been inspected by the relevant industry association or a designated import inspection body and a conformity notification has been filed; (ii) the cargo is discharged from a vessel to shore through a pipeline; (iii) the import is conducted within a buffer system; or (iv) the import otherwise falls within categories specified by ordinances of the Ministry of Economy, Trade and Industry ("METI") as not posing safety concerns. Accordingly, in the typical import operations at a receiving terminal in Japan where biomass fuel is discharged from a carrier vessel to shore via a pipeline, an import inspection will not be required in general, even if the fuel qualifies as "high-pressure gas."

3. Conclusion

As described above, the use of biomass fuels is one useful option for achieving a decarbonized society. At the same time, it should be noted that there are also technical issues, such as power generation costs, as mentioned at the beginning. In addition, there are various types and uses of biomass fuels, and with respect to how the laws and regulations described in this newsletter should apply, interpretations and practices have not necessarily been established at this stage. We will continue to pay attention to both the technical aspects and the practical applications of the regulations in relation to the use of biomass fuels.

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- Authors:
Yoshiaki Otsuki (yoshiaki.otsuki@amt-law.com)
Shogo Toyooka (shogo.toyooka@amt-law.com)

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