

Act on the Rational Use of Energy

(Act No. 49 of June 22, 1979)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, with the aim to contribute to securing the effective utilization of fuel resources according to the economic and social environment concerning energy in and outside Japan, to take the measures required for the rational use of energy with regard to factories, etc., transportation, buildings, and machinery and equipment as well as other

necessary measures, etc. for comprehensively promoting the rational use of energy, thereby contributing to the sound development of the national economy.

(Definitions)

- Article 2 (1) The term "energy" as used in this Act shall mean fuel and heat (excluding the heat specified by a Cabinet Order and used to replace the heat generated from fuel; the same shall apply hereinafter) and electricity (excluding the electricity specified by a Cabinet Order and used to replace the electricity obtained by converting the power gained by converting the heat generated from fuel; the same shall apply hereinafter).
- (2) The term "fuel" as used in this Act shall mean crude oil, volatile oil, heavy oil and other oil products specified by an Ordinance of the Ministry of Economy, Trade and Industry, flammable natural gas, and coal, coke and other coal products specified by an Ordinance of the Ministry of Economy, Trade and Industry, which are used for combustion and other usages specified by an Ordinance of the Ministry of Economy, Trade and Industry.

Chapter II Basic Policy, etc.

(Basic Policy)

- Article 3 (1) The Minister of Economy, Trade and Industry shall, from the perspective of comprehensively promoting the rational use of energy with regard to factories, offices or other workplaces (hereinafter referred to as "factories, etc."), transportation, buildings, machinery and equipment, etc., formulate and publicize a basic policy for the rational use of energy (hereinafter referred to as the "basic policy").
- (2) The basic policy shall provide for basic matters concerning the measures to be implemented by energy users, etc. for the rational use of energy, basic matters concerning the measures to promote the rational use of energy, and other matters concerning the rational use of energy, while taking into consideration long-term energy supply-demand forecasts, the technical level related to the rational use of energy, and other circumstances.
- (3) The Minister of Economy, Trade and Industry shall obtain a cabinet decision for the formulation of the basic policy.
- (4) The Minister of Economy, Trade and Industry shall, when he/she intends to formulate the basic policy, consult with the Minister of Land, Infrastructure, Transport and Tourism in advance with regard to the part pertaining to transportation, the part pertaining to buildings (excluding the part pertaining to the improvement and labeling of the quality of building materials), and the part pertaining to the performance of automobiles in light of energy consumption.

- (5) The Minister of Economy, Trade and Industry shall revise the basic policy when it is necessary to do so due to changes in the circumstances set forth in paragraph (2).
- (6) The provisions of paragraphs (1) to (4) shall apply mutatis mutandis to the revision of the basic policy under the preceding paragraph.

(Role of Energy Users)

Article 4 Persons who use energy shall, while giving due consideration to the provisions of the basic policy, endeavor to realize the rational use of energy.

Chapter III Measures, etc. Pertaining to Factories, etc.

Section 1 Measures Pertaining to Factories, etc.

(Standards of Judgment for Business Operators)

Article 5 (1) For the purpose of ensuring the appropriate and effective implementation of the rational use of energy in factories, etc., the Minister of Economy, Trade and Industry shall establish and publicize standards of judgment for business operators using energy in factories, etc. with regard to the following matters as well as the targets for the rational use of energy and the measures to be taken systematically to achieve such targets:

- (i) Improvement of methods for use of energy, choice of machinery and equipment having high performance in light of energy consumption and other matters concerning the rational use of energy in factories, etc. used exclusively for an office or any other usage similar thereto; or
- (ii) Matters concerning the rational use of energy in factories, etc. (excluding those which fall under the preceding item), which fall under any of the following subitems:
- (a) Rationalization of combustion of fuels;
 - (b) Rationalization of heating and cooling as well as heat transfer;
 - (c) Recovery and utilization of waste heat;
 - (d) Rationalization of conversion of heat into power, etc.;
 - (e) Prevention of energy loss due to emission, conduction, resistance, etc.; or
 - (f) Rationalization of conversion of electricity into power, heat, etc.
- (2) The standards of judgment prescribed in the preceding paragraph shall be established by considering long-term energy supply-demand forecasts, the technical level related to the rational use of energy, the status of the rational use of energy by each type of business and other circumstances, and shall be revised if necessary depending on any changes in these circumstances.

(Guidance and Advice)

Article 6 The competent minister may, when he/she finds it necessary in order to

ensure the proper implementation of the rational use of energy in factories, provide business operators using energy in factories, etc. with necessary guidance and advice with regard to the implementation of the matters listed in the items of paragraph (1) of the preceding Article, by considering the standards of judgment prescribed in the same paragraph.

(Designation of Specified Business Operators)

- Article 7 (1) The Minister of Economy, Trade and Industry shall designate a business operator that has Factories, etc. (excluding a chain business operator prescribed in Article 19, paragraph (1); the same shall apply in paragraph (3)), for which the total energy consumption in all its factories, etc. for a given business year (from April 1 to March 31 next year; the same shall apply hereinafter) is beyond the level specified by a Cabinet Order, as a business operator especially required to promote the rational use of energy.
- (2) The energy consumption for a given business year set forth in the preceding paragraph shall be calculated pursuant to the provision of a Cabinet Order.
- (3) A business operator that has factories, etc. shall, where the total energy consumption for the previous year in all its factories, etc., as calculated pursuant to the provision of a Cabinet Order under the preceding paragraph, is beyond the level specified by a Cabinet Order under paragraph (1), notify the Minister of Economy, Trade and Industry, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, of the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry with regard to the energy consumption and other status of energy use in all its factories, etc. for the previous year; provided, however, that this shall not apply to a business operator designated pursuant to the provision of the same paragraph (hereinafter referred to as a "specified business operator").
- (4) A specified business operator may, where any of the events listed in the following items has occurred, make an offer to the Minister of Economy, Trade and Industry pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, to the effect that the designation made under the provision of paragraph (1) should be rescinded:
- (i) The specified business operator has ceased to operate business, in whole, in all its factories, etc.; or
- (ii) The total energy consumption in all its factories, etc. for a given business year as calculated pursuant to the provision of a Cabinet Order under paragraph (2) is no longer likely to be beyond the level specified by a Cabinet Order under paragraph (1).
- (5) Upon receiving an offer made under the preceding paragraph, the Minister of Economy, Trade and Industry shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without

delay. The same shall apply where, in the absence of an offer made under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred with respect to said business operator.

- (6) The Minister of Economy, Trade and Industry shall, when having made a designation pursuant to the provision of paragraph (1) or rescinded a designation pursuant to the preceding paragraph, notify the minister with jurisdiction over the business pertaining to the factories, etc. which belong to said business operator to that effect.

(Energy Management Control Officer)

- Article 7-2 (1) Pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, a specified business operator shall, with regard to preparation affairs of medium- and- long-term plans prescribed in Article 14, paragraph (1) and the rational use of energy in its factories, etc., appoint a person who supervises and manages the maintenance of energy-consuming facilities, the improvement and supervision of methods for using energy, and other affairs specified by an Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as an "energy management control officer")
- (2) The position of the energy management control officer shall be filled with a person who supervises and manages the implementation of the business of a specified business operator.
- (3) A specified business operator shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the appointment or dismissal of the energy management control officer.

(Energy Management Planning Promoter)

- Article 7-3 (1) A specified business operator shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, appoint an energy management planning promoter from among the persons listed in the items of paragraph (1) of Article 13.
- (2) A Specified Business Operator shall, when having appointed an energy management planning promoter from among the persons listed in Article 13, paragraph (1), item (i), cause said energy management planning promoter to participate in the training prescribed in paragraph (2) of the same Article at regular intervals specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) An energy management planning promoter shall assist an energy management control officer with respect to the affairs prescribed in paragraph (1) of the preceding Article.
- (4) The provision of paragraph (3) of the preceding Article shall apply mutatis

mutandis to energy management planning promoters.

(Designation of Type 1 Designated Energy Management Factories, etc.)

- Article 7-4 (1) The Minister of Economy, Trade and Industry shall designate factories, etc. which belong to a specified business operator and in which energy consumption for a given business year as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2) is beyond the level specified by a Cabinet Order, as factories, etc. especially required to promote the rational use of energy.
- (2) A specified business operator that has factories, etc. designated pursuant to the provision of the preceding paragraph (such factories, etc. shall hereinafter be referred to as "Type 1 designated energy management factories, etc." and this type of business operator shall hereinafter be referred to as a "Type 1 specified business operator") may, where any of the events listed in the following items has occurred with respect to said factories, etc., make an offer to the Minister of Economy, Trade and Industry pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry to the effect that the designation made under the same paragraph should be rescinded:
- (i) The Type 1 specified business operator has ceased to operate the business;
or
 - (ii) The Type 1 specified business operator's energy consumption for a given business year as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2) is no longer likely to be beyond the level specified by a Cabinet Order under the preceding paragraph.
- (3) Upon receiving an offer made under the preceding paragraph, the Minister of Economy, Trade and Industry shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without delay. The same shall apply where, in the absence of an offer made under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred with respect to said factories, etc.
- (4) The Minister of Economy, Trade and Industry shall, when having made a designation pursuant to paragraph (1) or rescinded a designation pursuant to the preceding paragraph, notify the minister with jurisdiction over the business pertaining to said factories, etc., to that effect.

(Type 1 Energy Managers)

- Article 8 (1) A Type 1 specified business operator shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry and in accordance with the standards established by a Cabinet Order, appoint a Type 1 energy manager for each of its Type 1 designated energy management factories, etc. from among persons who have a qualified energy manager's

license; provided, however, that this shall not apply to the following types of Type 1 designated energy management factories, etc.:

- (i) A Type 1 specified business operator that has a Type 1 designated energy management factories, etc. that are used for a business falling within the manufacturing industry or other industries specified by a Cabinet Order and are used exclusively for an office or any other usage similar thereto, which is specified by a Cabinet Order: or
 - (ii) Type 1 designated energy management factories, etc. that are used for a business falling within an industry other than those prescribed in the preceding item.
- (2) A Type 1 specified business operator shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the appointment or dismissal of the Type 1 energy managers.

(Qualified Energy Manager's License)

Article 9 (1) A qualified energy manager's license shall be issued by the Minister of Economy, Trade and Industry to persons who fall under any of the following items:

- (i) A person who has passed an examination for a qualified energy manager's license; or
 - (ii) A person who has been recognized by the Minister of Economy, Trade and Industry as having equal or greater knowledge and experience than the person listed in the preceding item.
- (2) The procedures concerning the grant of a qualified energy manager's license shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Examination for Qualified Energy Manager's License)

Article 10 (1) An examination for a qualified energy manager's license shall be conducted by the Minister of Economy, Trade and Industry.

- (2) The Minister of Economy, Trade and Industry may designate a person (hereinafter referred to as a "designated examining body") and cause such a person to administer the affairs concerning an examination for a qualified energy manager's license (hereinafter referred to as "examination affairs").
- (3) The subjects of an examination for a qualified energy manager's license, procedure for participating in the examination and other details concerning the examination for a qualified energy manager's license shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Duty of Type 1 Energy Managers)

Article 11 Type 1 energy managers shall, with regard to the rational use of energy in Type 1 designated energy management factories, etc., manage the maintenance of energy-consuming facilities, the improvement and supervision of methods for using energy, and other affairs specified by an Ordinance of the Ministry of Economy, Trade and Industry.

Article 12 Deleted.

(Type 2 Energy Managers)

Article 13 (1) A Type 1 specified business operator that has factories, etc. listed in the items of paragraph (1) of Article 8 (hereinafter referred to as a "Type 1 designated business operator") shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, appoint a Type 2 energy manager for each of its said factories, etc. from among the following persons:

(i) A person who has completed training courses concerning necessary knowledge and skills for the rational use of energy, which are administered by the Minister of Economy, Trade and Industry or provided by a person designated by him/her (hereinafter referred to as a "designated training agency") pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry; or

(ii) A person who has a qualified energy manager's license.

(2) A Type 1 designated business operator shall, at regular intervals specified by an Ordinance of the Ministry of Economy, Trade and Industry, cause the person appointed as a Type 2 energy manager from among the persons listed in item (i) of the preceding paragraph to participate in the training for improving the quality of Type 2 energy managers that is administered by the Minister of Economy, Trade and Industry or provided by a designated training agency pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(3) A Type 1 designated business operator shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the appointment or dismissal of the Type 2 energy manager.

(4) The provision of Article 11 shall apply mutatis mutandis to Type 2 energy managers.

(Preparation of Medium- and Long-Term Plans)

Article 14 (1) A Specified business operator shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, prepare each business year a medium- and long-term plan for achieving the targets for the rational use of energy that are specified for its factories, etc. in the standards

of judgment prescribed in Article 5, paragraph (1), and submit the plan to the competent minister.

(2) The competent minister may establish necessary guidelines for contributing to specified business operators' efforts to properly prepare plans set forth in the preceding paragraph.

(3) The competent minister shall, when having established guidelines set forth in the preceding paragraph, publicize them.

(Periodical Reports)

Article 15 (1) A specified business operator shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, report to the competent minister each business year the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry with regard to the energy consumption and other status of energy use in its factories, etc. (including the matters concerning efficiency in energy use and CO₂ emissions from energy use) as well as the status of establishment, modification and abolition of energy-consuming facilities and other facilities relating to the rational use of energy.

(2) The Minister of Economy, Trade and Industry shall, when he/she intends to formulate or revise an Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph (limited to the matters concerning CO₂ emissions from energy use), consult with the Minister of the Environment in advance.

(Instructions and Orders on Rationalization Plans)

Article 16 (1) The competent minister may, when he/she finds that the status of the rational use of energy in factories, etc. which belong to a specified business operator is significantly insufficient in light of the standards of judgment prescribed in Article 5, paragraph (1), instruct said specified business operator to prepare and submit a plan on the rational use of energy (hereinafter referred to as a "rationalization plan"), while presenting the grounds for his/her judgment.

(2) The competent minister may, when he/she finds the rationalization plan to be inappropriate for the proper implementation of the rational use of energy in factories, etc. which belong to said specified business operator, instruct said specified business operator to revise the rationalization plan.

(3) The competent minister may, when he/she finds that a specified business operator does not implement a rationalization plan, instruct said specified business operator to properly implement the rationalization plan.

(4) Where a specified business operator that has received instructions prescribed in the preceding three paragraphs has failed to follow the instructions, the

competent minister may publicize this.

- (5) Where a specified business operator that has received instructions prescribed in paragraphs (1) to (3) inclusive has failed to take the measures as instructed without justifiable grounds, the competent minister may, after hearing opinions of Councils, etc. (which means organs prescribed in Article 8 of the National Administrative Organization Act (Act No. 120 of 1948); the same shall apply hereinafter) specified by a Cabinet Order, order said specified business operator to take the measures as instructed.

(Designation of Type 2 Designated Energy Management Factories, etc.)

Article 17 (1) The Minister of Economy, Trade and Industry shall designate factories, etc. which belong to a specified business operator other than Type 1 designated energy management factories, etc. in which energy consumption for a given business year as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2) is not below the level specified by a Cabinet Order as prescribed in paragraph (1) of the same Article, and beyond the level specified by a Cabinet Order, as factories, etc. especially required to promote the rational use of energy in the same manner as Type 1 designated energy management factories, etc.

- (2) A specified business operator that has factories, etc. designated pursuant to the provision of the preceding paragraph (such factories, etc. shall hereinafter be referred to as "Type 2 designated energy management factories, etc." and this type of business operator shall hereinafter be referred to as a "Type 2 specified business operator") may, where any of the events listed in the following items has occurred with respect to said factories, etc., make an offer to the Minister of Economy, Trade and Industry pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry to the effect that the designation made under the same paragraph should be rescinded:

(i) The Type 2 specified business operator has ceased to operate the business;

or

(ii) The Type 2 specified business operator's energy consumption for a given business year as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2) is no longer likely to be beyond the level specified by a Cabinet Order under the preceding paragraph.

- (3) Upon receiving an offer made under the preceding paragraph, the Minister of Economy, Trade and Industry shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without delay. The same shall apply where, in the absence of an offer made under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred with respect to said factories, etc.

- (4) Where energy consumption in Type 2 designated energy management

factories, etc. for a given business year, as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2), is beyond the level specified by a Cabinet Order under Article 7-4, paragraph (1), the Minister of Economy, Trade and Industry shall, when he/she designates said factories, etc. under the same paragraph, rescind the designation pertaining to said factories, etc. made under the provision of paragraph (1).

- (5) The Minister of Economy, Trade and Industry shall, when having made a designation pursuant to paragraph (1) or rescinded a designation pursuant to the preceding two paragraphs, notify the minister with jurisdiction over the business pertaining to the factories, etc. to that effect.

(Application Mutatis Mutandis)

Article 18 (1) The provisions of Article 13, paragraphs (1) to (3) inclusive shall apply mutatis mutandis to Type 2 specified business operators. In this case, the phrase "said factories, etc." in paragraph (1) of the same Article shall be deemed to be replaced with "Type 2 designated energy management factories, etc."

- (2) The provisions of Article 11 shall apply mutatis mutandis to Type 2 energy managers appointed by Type 2 specified business operators for each of their Type 2 designated energy management factories, etc.

(Designation of Specified Chain Business Operators)

Article 19 (1) The Minister of Economy, Trade and Industry shall designate a business operator engaged in business in which the business operator authorizes the use of specified trademarks, trade names or other indications, specify the manner of selling goods or providing services and give guidance continuously on management, pursuant to a standard form contract that provides for the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry with regard to the conditions of energy use in factories, etc. which belong to a business operator that participates in said business (hereinafter referred to as a "franchisee") (this type of business shall hereinafter be referred to as "chain business" and this type of business operator shall hereinafter be referred to as a "chain business operator"), for which the total energy consumption for a given business year in all factories, etc. which belong to said chain business operator and all factories, etc. pertaining to said chain business which belong to said franchisee as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2) is beyond the level specified by a Cabinet Order under paragraph (1) of the same Article, as a business operator especially required to promote the rational use of energy.

- (2) A chain business operator shall, where the total energy consumption for the

previous year in all factories, etc. which belong to said chain business operator and all factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said chain business operator, as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2), is beyond the level specified by a Cabinet Order under paragraph (1) of the same Article, notify the Minister of Economy, Trade and Industry, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, of the matters specified by an Ordinance of the Ministry of Trade and Industry with regard to energy consumption and other status of energy use for the previous year in all factories, etc. which belong to the chain business operator and all factories, etc. pertaining to said chain business which belong to the franchisee of the chain business conducted by said chain business operator; provided, however, that this shall not apply to a business operator designated pursuant to the provision of the preceding paragraph (hereinafter referred to as a "specified chain business operator").

(3) A specified chain business operator may, where any of the events listed in the following items has occurred, make an offer to the Minister of Economy, Trade and Industry pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry to the effect that the designation made under the provision of paragraph (1) should be rescinded:

(i) Said specified chain business operator has ceased to operate business, in whole, in all factories, etc. which belong to said specified chain business operator and all factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said specified chain business operator; or

(ii) The total energy consumption for a given year in all factories, etc. which belong to said specified chain business operator and all factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said specified chain business operator as calculated pursuant to the provision of a Cabinet Order under Article 7, paragraph (2) is no longer likely to be beyond the level specified by a Cabinet Order under paragraph (1) of the same Article.

(4) Upon receiving an offer made under the preceding paragraph, the Minister of Economy, Trade and Industry shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without delay. The same shall apply where, in the absence of an offer made under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred with respect to said business operator.

(5) The Minister of Economy, Trade and Industry shall, when having made a designation pursuant to the provision of paragraph (1) or rescinded a designation pursuant to the preceding paragraph, notify the minister with

jurisdiction over the business pertaining to the factories, etc. which belong to said business operator and the chain business conducted by said business operator to that effect.

(Application Mutatis Mutandis)

Article 19-2 (1) The provisions of Article 7-2, paragraphs (1), (2) and (3) (including the cases where it is applied mutatis mutandis pursuant to Article 7-3, paragraph (4)), Article 7-3 to Article 8 inclusive, Article 11 (including the cases where it is applied mutatis mutandis pursuant to Article 13, paragraph (4)) and Article 13 to Article 17 inclusive shall apply mutatis mutandis to specified chain business operators. In this case, the phrase "its factories, etc." in Article 7-2, paragraph (1), Article 14, paragraph (1) and Article 15, paragraph (1) shall be deemed to be replaced with "its factories, etc. and factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said specified chain business operator", the phrase "factories, etc. which belong to a specified business operator" in Article 16, paragraphs (1) and (2) shall be deemed to be replaced with "factories, etc. which belong to a specified chain business operator and factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said specified chain business operator."

(2) The provisions of Article 13, paragraphs (1) to (3) inclusive as applied mutatis mutandis pursuant to the preceding paragraph shall apply mutatis mutandis to specified chain business operators that have Type 2 designated energy management factories, etc.

(3) The provision of Article 11 as applied mutatis mutandis pursuant to paragraph (1) shall apply mutatis mutandis to Type 2 energy managers appointed by specified chain business operators that have such factories, etc. for each of their Type 2 designated energy management factories, etc.

(Obligations of Type 1 Energy Managers, etc.)

Article 19-3 (1) Type 1 energy managers and Type 2 energy managers shall perform their duties in good faith.

(2) Energy management control officers shall respect the opinions, with regard to the rational use of energy in factories, etc. where Type 1 energy managers or Type 2 energy managers perform their duties, given by the Type 1 energy managers or Type 2 energy managers.

(3) Employees of factories, etc. for which Type 1 energy managers or Type 2 energy managers are appointed shall follow the instructions given by Type 1 energy managers or Type 2 energy managers necessary for performing their duties.

(Special Provisions on Investigations by Registered Investigation Body)

Article 20 (1) A specified business operator may, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, undergo an investigation conducted by a person registered by the Minister of Economy, Trade and Industry (hereinafter referred to as a "registered investigation body") with regard to the energy consumption and other status of energy use in its factories, etc. (including the matters concerning efficiency in energy use and CO₂ emissions from energy use) as well as the status of establishment, modification and abolition of energy-consuming facilities and other facilities relating to the rational use of energy (this investigation shall hereinafter be referred to as an "investigation for verification"); provided, however, that a specified business operator that has received instructions under Article 16, paragraph (1) shall not undergo an investigation for verification until three years have elapsed since the day when the instructions or recommendations were received.

(2) When a registered investigation body finds, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, that the status of the rational use of energy in all factories, etc. which belong to a specified business operator, for which an investigation for verification has been conducted, conforms to the standards of judgment prescribed in Article 5, paragraph (1), it shall issue a document to that effect.

(3) A registered investigation body shall, when having issued the document set forth in the preceding paragraph, report to the competent minister without delay, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, the results of the investigation for verification pertaining to the document issued.

(4) With respect to specified business operators for which the document set forth in paragraph (2) has been issued, the provisions of Article 15, paragraph (1) and Article 16 shall not apply in a business year that contains the date of issuance of the document.

(5) The Minister of Economy, Trade and Industry shall, when he/she intends to formulate or revise an Ordinance of the Ministry of Economy, Trade and Industry set forth in paragraph (1) (limited to the matters concerning CO₂ emissions from energy use), consult with the Minister of the Environment in advance.

(6) The provisions of paragraph (1) to the preceding paragraph inclusive shall apply mutatis mutandis to specified chain business operators. In this case, the phrase "its factories, etc." in paragraph (1) shall be deemed to be replaced with "its factories, etc. and factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said specified chain business operator," the term "Article 16, paragraph (1)" shall be deemed to be

replaced with "Article 16, paragraph (1) as applied mutatis mutandis pursuant to Article 19-2, paragraph (1)", the phrase "all factories, etc. which belong to a specified business operator" in paragraph (2) shall be deemed to be replaced with "all factories, etc. which belong to a specified chain business operator and all factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said specified chain business operator," and the term "Article 15, paragraph (1) and Article 16" in paragraph (4) shall be deemed to be replaced with "Article 15, paragraph (1) and Article 16 as applied mutatis mutandis pursuant to Article 19-2, paragraph (1)".

Section 2 Designated Examining Body

(Designation)

Article 21 (1) The designation set forth in Article 10, paragraph (2) shall be made pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry upon application by a person who intends to administer examination affairs.

(2) When having made the designation set forth in Article 10, paragraph (2), the Minister of Economy, Trade and Industry shall not administer examination affairs.

(Disqualification)

Article 22 A person who falls under any of the following items may not be designated under Article 10, paragraph (2).

- (i) A person whose designation was rescinded pursuant to Article 32, paragraph (2), before the elapse of a period of two years since the date of rescission.
- (ii) A person, any of whose officers in charge of its business falls under any of the following conditions.
 - (a) A person who was sentenced to a punishment for violation of this Act or any order issued under this Act, before the elapse of a period of two years since that person served out the sentence or ceased to be subject to the sentence.
 - (b) A person who was dismissed by an order under Article 28, before the elapse of a period of two years since the date of dismissal.

(Standards for Designation)

Article 23 The Minister of Economy, Trade and Industry shall not make the designation under Article 10, paragraph (2) unless no other person has been designated under the same paragraph and the application for designation filed under the same paragraph conforms to the following items:

- (i) The applicant's plan for the administration of the examination affairs, which covers personnel, equipment, methods of administering the examination affairs and other matters, is appropriate for the proper administration of the examination affairs;
- (ii) The applicant has sufficient financial basis and technical capability to implement properly the plan for the administration of the examination affairs set forth in the preceding item;
- (iii) The applicant is a general incorporated association or general incorporated foundation; or
- (iv) Where the applicant is engaged in services other than examination affairs, there is no risk that the applicant will fail to fairly administer the examination affairs by performing such other services.

(Operational Rules for Examination Affairs)

Article 24 (1) A designated examining body shall formulate rules concerning the administration of examination affairs (hereinafter referred to as the "operational rules for examination affairs"), and obtain approval of the rules from the Minister of Economy, Trade and Industry. The same shall apply where a designated examining body intends to revise the rules.

(2) The matters to be provided for by the operational rules for examination affairs shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(3) The Minister of Economy, Trade and Industry may, when he/she finds that the operational rules for examination affairs approved under paragraph (1) have become inappropriate for the fair administration of the examination affairs, order the designated examining body to revise the operational rules for examination affairs.

(Suspension or Abolition of Examination Affairs)

Article 25 A designated examining body shall not suspend nor abolish the whole or part of the examination affairs unless it is permitted by the Minister of Economy, Trade and Industry.

(Business Plan, etc.)

Article 26 (1) A designated examining body shall, prior to the beginning of each business year (or without delay after designation under Article 10, paragraph (2) in the case of a business year that contains the date of designation), prepare a business plan and income and expenditure budget for the business year, and obtain approval of them from the Minister of Economy, Trade and Industry. The same shall apply where a designated examining body intends to revise them.

(2) A designated examining body shall, within three months after the end of each business year, prepare a business report and statement of accounts, and submit them to the Minister of Economy, Trade and Industry.

(Appointment and Dismissal of Officers)

Article 27 The appointment and dismissal of officers of a designated examining body shall not become effective unless it is approved by the Minister of Economy, Trade and Industry.

(Order of Dismissal of Officer)

Article 28 Where any officer of a designated examining body has violated this Act (including dispositions made under this Act) or the operational rules for examination affairs or committed any inappropriate act in connection with the examination affairs, the Minister of Economy, Trade and Industry may order the designated examining body to dismiss the officer.

(Examiners for Qualified Energy Manager's License)

Article 29 (1) A designated examining body shall, when administering the examination affairs, cause examiners for the qualified energy manager's license (hereinafter referred to as "examiners") to administer the affairs in determining whether or not an applicant for a qualified energy manager's license has the necessary knowledge and abilities as a qualified energy manager.

(2) A designated examining body shall appoint examiners from among persons who satisfy the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(3) A designated examining body shall, when having appointed examiners, notify the Minister of Economy, Trade and Industry to that effect pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply where any examiner has been replaced.

(4) The provisions of the preceding Article shall apply mutatis mutandis to examiners.

(Obligation of Confidentiality, etc.)

Article 30 (1) Current or former officers or employees (including examiners; hereinafter the same shall apply in the following paragraph) of a designated examining body shall not divulge secrets that they have become aware of in the course of administering the examination affairs.

(2) With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, officers or employees of a designated examining body who are engaged in examination affairs shall be deemed to be personnel

engaged in public services under laws and regulations.

(Order for Conformity, etc.)

Article 31 (1) The Minister of Economy, Trade and Industry may, when he/she finds that a designated examining body has ceased to conform to any of the items of Article 23 (excluding item (iii); hereinafter the same shall apply in this paragraph), order the designated examining body to take any measures necessary to ensure conformity to the provisions of the same items.

(2) In addition to what is provided for in the preceding paragraph, the Minister of Economy, Trade and Industry may, when he/she finds it necessary for the enforcement of this Act, issue to a designated examining body an order necessary for the supervision of the examination affairs.

(Rescission of Designation, etc.)

Article 32 (1) Where a designated examining body has ceased to conform to Article 23, item (iii), the Minister of Economy, Trade and Industry shall rescind the designation made under Article 10, paragraph (2).

(2) Where a designated examining body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the designation made under Article 10, paragraph (2), or order the designated examining body to suspend the whole or part of the examination affairs within a specified period:

(i) Where the designated examining body has violated the provisions of this Section;

(ii) Where the designated examining body now falls under Article 22, item (ii);

(iii) Where the designated examining body has not administered the examination affairs in accordance with the operational rules for examination affairs approved under Article 24, paragraph (1);

(iv) Where the designated examining body has violated an order issued under Article 24, paragraph (3), Article 28 (including the cases where it is applied *mutatis mutandis* pursuant to Article 29, paragraph (4)), or the preceding Article; or

(v) Where the designated examining body has been designated under Article 10, paragraph (2) by wrongful means.

(Bookkeeping)

Article 33 (1) A designated examining body shall keep books and state in such books the matters concerning the examination affairs specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(2) The books set forth in the preceding paragraph shall be preserved pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(Examination Conducted by Minister of Economy, Trade and Industry)

Article 34 (1) The Minister of Economy, Trade and Industry may him/herself administer the whole or part of the examination affairs of a designated examining body in the cases where: the designated examining body has suspended the whole or part of the examination affairs with permission granted under Article 25; an order has been issued to the designated examining body to suspend the whole or part of the examination affairs pursuant to Article 32, paragraph (2); or the Minister finds it necessary to do so because it has become difficult for the designated examining body to administer the whole or part of the examination affairs as a result of a natural disaster or otherwise.

(2) The transfer of the examination affairs and other necessary matters, in the cases where the Minister of Economy, Trade and Industry administers the whole or part of the examination affairs him/herself pursuant to the preceding paragraph, a designated examining body abolishes the whole or part of the examination affairs with permission granted under Article 25, or the Minister of Economy, Trade and Industry has rescinded the designation of a designated examining body pursuant to Article 32, shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Public Notice)

Article 35 In any of the following cases, the Minister of Economy, Trade and Industry shall make a public notice of the relevant matters in official gazettes:

- (i) Where the Minister has made a designation under Article 10, paragraph (2);
- (ii) Where the Minister has granted permission under Article 25;
- (iii) Where the Minister has rescinded a designation pursuant to Article 32 or ordered the suspension of the whole or part of the examination affairs pursuant to paragraph (2) of the same Article; or
- (iv) Where the Minister administers the whole or part of the examination affairs him/herself pursuant to paragraph (1) of the preceding Article, or ceases to administer the whole or part of the examination affairs that he/she has administered him/herself.

Section 3 Designated Training Agency

(Designation)

Article 36 (1) The designation set forth in Article 13, paragraph (1), item (i) (including the cases where it is applied mutatis mutandis pursuant to Article 18, paragraph (1); hereinafter the same shall apply in this Article, Article 38, item (i), and Article 88, paragraph (1)) shall be made pursuant to the provision

of an Ordinance of the Ministry of Economy, Trade and Industry upon application by a person who intends to provide training set forth in Article 13, paragraph (1), item (i) and paragraph (2) of the same Article (including the cases where it is applied mutatis mutandis pursuant to Article 18, paragraph (1); hereinafter the same shall apply in Article 88, paragraph (1); this training shall hereinafter be referred to as "energy management training" in this Section and Article 94).

(2) The provisions of Article 22 (excluding item (ii)(b)), Article 23, and Article 32 shall apply mutatis mutandis to the designation under Article 13, paragraph (1), item (i), and the provisions of Article 24, Article 26, Article 30, paragraph (2), Article 31, and Article 33 shall apply mutatis mutandis to a designated training agency. In this case, the phrase "no other person has been designated under the same paragraph [Article 10, paragraph (2)] and the application for designation filed under the same paragraph" in Article 23 shall be deemed to be replaced with "the application for designation filed under Article 13, paragraph (1), item (i)"; the term "examination affairs" in Article 23, item (i), item (ii) and item (iv), Article 24, paragraph (1) and paragraph (3), Article 30, paragraph (2), Article 31, paragraph (2), Article 32, paragraph (2), and Article 33, paragraph (1) shall be deemed to be replaced with "energy management training services"; the term "operational rules for examination affairs" in Article 24 and Article 32, paragraph (2), item (iii) shall be deemed to be replaced with "operational rules for energy management training services"; the phrase "Article 10, paragraph (2)" in Article 26, paragraph (1) shall be deemed to be replaced with "Article 13, paragraph (1), item (i)"; the phrase "Article 28 (including the cases where it is applied mutatis mutandis pursuant to Article 29, paragraph (4)), or" in Article 32, paragraph (2), item (iv) shall be deemed to be replaced with "or."

(Suspension or Abolition of Energy Management Training Services)

Article 37 A designated training agency shall, when having suspended or abolished the whole or part of the energy management training services, notify the Minister of Economy, Trade and Industry to that effect within a period specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Public Notice)

Article 38 In any of the following cases, the Minister of Economy, Trade and Industry shall make a public notice of the relevant matters in official gazettes:

- (i) Where the Minister has made a designation under Article 13, paragraph (1), item (i);
- (ii) Where the Minister has rescinded a designation pursuant to Article 32 as applied mutatis mutandis pursuant to Article 36, paragraph (2), or ordered

the suspension of the whole or part of the energy management training services pursuant to Article 32, paragraph (2) as applied mutatis mutandis pursuant to Article 36, paragraph (2); or

(iii) Where the Minister has received a notification made under the preceding Article.

Section 4 Registered Investigation Body

(Registration)

Article 39 The registration set forth in Article 20, paragraph (1) (hereinafter referred to as the "registration" in this Section) shall be made, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, upon application by a person who intends to conduct investigations for verification.

(Disqualification)

Article 40 A person who falls under any of the following items may not obtain the registration:

- (i) A person who was sentenced to a punishment for violation of this Act or any order issued under this Act, before the elapse of a period of two years since that person served out the sentence or ceased to be subject to the sentence;
- (ii) A person whose registration was rescinded pursuant to Article 49, before the elapse of a period of two years since the date of rescission; or
- (iii) A juridical person, any of whose officers in charge of its business falls under any of the preceding two items.

(Standards for Registration)

Article 41 (1) The Minister of Economy, Trade and Industry shall register a person who has applied for registration pursuant to Article 39 if such person conforms to all of the following requirements. In this case, necessary procedures for the registration shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry:

- (i) Investigations for verification shall be conducted by two or more persons who have a qualified energy manager's license;
- (ii) The following measures shall be taken to ensure the reliability of investigations for verification:
 - (a) A dedicated supervisor is assigned to the division engaging in investigations for verification;
 - (b) Documents are prepared for controlling the operation of and securing accuracy in investigations for verification; and
 - (c) A dedicated division is established for controlling the operation of and

securing accuracy in investigations for verification in accordance with the descriptions in the documents listed in (b).

- (2) The registration shall be made, with the following matters stated in the registry of registered investigation bodies
- (i) The date of registration and registration number; and
 - (ii) The name and address of the person registered, as well as the name of the representative if such a person is a juridical person.

(Renewal of Registration)

Article 42 (1) Unless it is renewed at an interval of not less than three years as determined by a Cabinet Order, the registration shall cease to be effective upon expiration of such a period.

- (2) The provisions of the preceding three Articles shall apply mutatis mutandis to the renewal of registration set forth in the preceding paragraph.

(Obligation to Investigate)

Article 43 (1) A registered investigation body shall, without delay, conduct an investigation for verification when requested except where there are justifiable grounds.

- (2) A registered investigation body shall conduct an investigation for verification fairly by a method specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) A registered investigation body shall not conduct an investigation for verification with respect to factories, etc. which belong to a person whose business is effectively controlled by the registered investigation body or any other business operator specified by an Ordinance of the Ministry of Economy, Trade and Industry as having a close relationship to the registered investigation body.

(Change to Place of Business)

Article 44 A registered investigation body shall, when intending to change the location of the place of business where an investigation for verification is to be conducted, notify the Minister of Economy, Trade and Industry by two weeks prior to the day when the change is scheduled.

(Operational Rules for Investigation Services)

Article 45 (1) A registered investigation body shall formulate rules concerning the services for investigations for verification (hereinafter referred to as "operational rules for investigation services"), and notify the Minister of Economy, Trade and Industry of the rules before commencing the services for investigations for verification. The same shall apply where a registered

investigation body intends to revise the rules.

- (2) Operational rules for investigation services shall provide for a method for conducting an investigation for verification, method for calculating the fees for investigations for verification, and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Suspension or Abolition of Operation of Investigation)

Article 46 A registered investigation body shall, when intending to suspend or abolish the whole or part of the services for investigations for verification, notify the Minister of Economy, Trade and Industry to that effect in advance pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(Keeping and Making Available for Public Inspection of Financial Statements, etc.)

Article 47 (1) A registered investigation body shall, within three months after the end of each business year, prepare a property inventory, balance sheet, profit and loss statement or income and expenditure statement and business report (in the case where these documents are prepared as electromagnetic records (which means records produced by an electronic device, magnetic device or any other device not recognizable to human sense, which are used for information processing by a computer; hereinafter the same shall apply in this Article), or electromagnetic records are prepared instead of preparing the documents, such electromagnetic records shall be included; these documents shall hereinafter be referred to as "financial statements, etc." in the following paragraph and Article 99, item (ii)) and keep them in its place of business for five years.

- (2) A specified business operator or specified chain business operator and other interested persons may, at any time during the business hours of the registered investigation body, make any of the following requests to the body; provided, however, that when making a request set forth in item (ii) or item (iv), the business operator or interested persons shall pay the fee determined by the registered investigation body:

- (i) Where financial statements, etc. are prepared as written documents, a request for public inspection or copying of the written documents;
- (ii) A request for a transcript or extract of the written documents set forth in the preceding item;
- (iii) Where financial statements, etc. are prepared as electromagnetic records, a request for public inspection or copying of the content of the electromagnetic records indicated by a device specified by an Ordinance of the Ministry of Economy, Trade and Industry; or

- (iv) A request for provision of the content of the electromagnetic records set forth in the preceding item by an electromagnetic device specified by an Ordinance of the Ministry of Economy, Trade and Industry or a request for delivery of documents stating such content.

(Order for Improvement)

Article 48 The Minister of Economy, Trade and Industry may, when he/she finds that a registered investigation body is in violation of Article 43, paragraph (1) or paragraph (2), order the registered investigation body to conduct an investigation for verification or take any other necessary measures to improve the investigation method or other operational procedure.

(Rescission of Registration, etc.)

Article 49 Where a registered investigation body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its registration or order the registered investigation body to suspend the whole or part of the services for inspections for verification within a specified period:

- (i) Where the registered investigation body now falls under Article 40, item (i) or item (iii);
- (ii) Where the registered investigation body has violated Article 43, paragraph (3), Article 44, Article 45, paragraph (1), Article 46, Article 47, paragraph (1), or Article 33 as applied mutatis mutandis pursuant to Article 51;
- (iii) Where the registered investigation body has refused the request made under the items of paragraph (2) of Article 47 without justifiable grounds;
- (iv) Where the registered investigation body has violated an order issued under the preceding Article, or Article 31, paragraph (1) as applied mutatis mutandis pursuant to Article 51; or
- (v) Where the registered investigation body has been registered by wrongful means.

(Public Notice)

Article 50 In any of the following cases, the Minister of Economy, Trade and Industry shall make a public notice of the relevant matters in official gazettes:

- (i) Where the Minister has made a registration;
- (ii) Where the Minister has received a notification made under Article 44 or Article 46; or
- (iii) Where the Minister has rescinded a registration or ordered the suspension of the whole or part of the services for investigations for verification pursuant to the preceding Article.

(Application Mutatis Mutandis)

Article 51 The provisions of Article 30, paragraph (1), Article 31, paragraph (1), and Article 33 shall apply mutatis mutandis to registered investigation bodies. In this case, the phrase "employees (including examiners; hereinafter the same shall apply in the following paragraph)" in Article 30, paragraph (1) shall be deemed to be replaced with "employees," the term "examination affairs" in the same paragraph and Article 33, paragraph (1) shall be deemed to be replaced with "services for investigations for verification," and the phrase "any of the items of Article 23 (excluding item (iii); hereinafter the same shall apply in this paragraph)" in Article 31, paragraph (1) shall be deemed to be replaced with "any of the items of paragraph (1) of Article 41."

Chapter IV Measures Pertaining to Transportation

Section 1 Measures Pertaining to Freight Transportation

Subsection 1 Measures Pertaining to Freight Carriers

(Standards of Judgment for Freight Carriers)

Article 52 (1) For the purpose of ensuring the appropriate and effective implementation of the rational use of energy in freight transportation, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism shall establish and publicize standards of judgment for freight carriers (which means business operators that transport, with the use of energy, their own freight or others' freight departing from or arriving at places in Japan; the same shall apply hereinafter), with regard to the following matters as well as the targets for the rational use of energy in freight transportation and the measures to be taken systematically to achieve such targets:

- (i) Use of transportation machinery and equipment with high performance in light of energy consumption;
- (ii) Operation or control of transportation machinery and equipment that contributes to the rational use of energy;
- (iii) Use of transportation machinery and equipment with high transportation capacity; and
- (iv) Efficient utilization of the transportation capacity of transportation machinery and equipment.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by considering long-term energy supply-demand forecasts, the technical level related to the rational use of energy and other circumstances, and shall be revised, if necessary, depending on any changes in these circumstances. The provision of Article 5, paragraph (2) shall apply mutatis mutandis to the standards of judgment prescribed in the preceding paragraph.

(Guidance and Advice)

Article 53 The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it necessary in order to ensure the proper implementation of the rational use of energy in freight transportation, provide freight carriers with necessary guidance and advice with regard to the implementation of the matters listed in the items of paragraph (1) of the preceding Article, by considering the standards of judgment prescribed in the same paragraph.

(Designation of Specified Freight Carriers)

Article 54 (1) The Minister of Land, Infrastructure, Transport and Tourism shall designate freight carriers whose transportation capacity specified by a Cabinet Order is beyond the level specified by a Cabinet Order for the respective categories of freight transportation specified by a Cabinet Order (hereinafter referred to as "freight transportation categories"), as freight carriers especially required to promote the rational use of energy in freight transportation for the respective freight transportation categories.

(2) A freight carrier shall, where its transportation capacity specified by a Cabinet Order under the preceding paragraph as of the last day of the previous business year for the respective freight transportation categories is beyond the level specified by a Cabinet Order, notify the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, of the matters concerning the transportation capacity as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism for the respective freight transportation categories; provided, however, that this shall not apply to a freight carrier designated pursuant to the same paragraph (hereinafter referred to as a "specified freight carrier") with respect to the freight transportation category pertaining to the designation.

(3) A specified freight carrier may, where any of the events listed in the following items has occurred with respect to the freight transportation category pertaining to the designation, make an offer to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism to the effect that the designation for the freight transportation category should be rescinded:

(i) The specified freight carrier has ceased to operate the freight transportation business; or

(ii) The specified freight carrier's transportation capacity specified by a Cabinet Order under paragraph (1) is no longer likely to be beyond the level specified by a Cabinet Order under the same paragraph.

(4) Upon receiving an offer made under the preceding paragraph, the Minister of

Land, Infrastructure, Transport and Tourism shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without delay. The same shall apply where, in the absence of an offer made under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred.

(Preparation of Medium- and Long-Term Plans)

Article 55 A specified freight carrier shall, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, prepare in the business year following the business year that contains the date of designation under paragraph (1) of the preceding Article and each subsequent business year, a medium- and long-term plan for the respective freight transportation categories pertaining to the designation for achieving the targets for the rational use of energy in freight transportation that are specified in the standards of judgment prescribed in Article 52, paragraph (1), and submit the plan to the Minister of Land, Infrastructure, Transport and Tourism.

(Periodical Reports)

Article 56 (1) A specified freight carrier shall, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, report to the Minister of Land, Infrastructure, Transport and Tourism in the business year following the business year that contains the date of designation under Article 54, paragraph (1) and each subsequent business year, the matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism for the respective freight transportation categories pertaining to the designation, with regard to the energy consumption in freight transportation and other status of energy use in freight transportation (including the matters concerning efficiency in energy use in freight transportation and CO₂ emissions from energy use in freight transportation) as well as the status of implementation of the necessary measures for the rational use of energy in freight transportation.

(2) The Minister of Land, Infrastructure, Transport and Tourism shall, when he/she intends to formulate or revise an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism set forth in the preceding paragraph (limited to the matters concerning CO₂ emissions from energy use in freight transportation), consult with the Minister of the Environment in advance.

(Recommendations and Orders)

Article 57 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds that the status of the rational use of energy in freight

transportation by a specified freight carrier with respect to the freight transportation category pertaining to the designation made under Article 54, paragraph (1) is significantly insufficient in light of the standards of judgment prescribed in Article 52, paragraph (1), recommend the specified freight carrier to take necessary measures for the rational use of energy in freight transportation with respect to the freight transportation category, while presenting the grounds for his/her judgment.

- (2) Where a specified freight carrier that has received recommendations made under the preceding paragraph has failed to follow the recommendations, the Minister of Land, Infrastructure, Transport and Tourism may publicize this.
- (3) Where a specified freight carrier that has received recommendations prescribed in paragraph (1) has failed to take the measures as recommended without justifiable grounds, the Minister of Land, Infrastructure, Transport and Tourism may, after hearing opinions of Councils, etc. specified by a Cabinet Order, order the specified freight carrier to take the measures as recommended.

Subsection 2 Measures Pertaining to Consigners

(Role of Consigners)

Article 58 Consigners (which means business operators that, in connection with their business activity, continuously have freight carriers transport their freight; the same shall apply hereinafter) shall, while giving due consideration to the provisions of the basic policy, endeavor to contribute to the rational use of energy in freight transportation consigned to freight carriers by properly implementing the following measures:

- (i) Measures to choose transportation methods with high performance in light of energy consumption; and
- (ii) Measures to improve the efficiency in utilizing the transportation capacity that is provided in a fixed quantity.

(Standards of Judgment for Consigners)

Article 59 (1) For the purpose of ensuring the appropriate and effective implementation of the rational use of energy in freight transportation consigned by consigners to freight carriers, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism shall establish and publicize standards of judgment for consigners, with regard to the measures listed in the items of the preceding Article as well as the targets for the rational use of energy in such freight transportation and the measures to be taken systematically to achieve such targets.

- (2) The provision of Article 5. paragraph (2) shall apply mutatis mutandis to the

standards of judgment prescribed in the preceding paragraph.

(Guidance and Advice)

Article 60 The competent minister may, when he/she finds it necessary in order to ensure the proper implementation of the rational use of energy in freight transportation consigned by consigners to freight carriers, provide consigners with necessary guidance and advice with regard to the implementation of the measures listed in the items of Article 58, by considering the standards of judgment prescribed in paragraph (1) of the preceding Article.

(Designation of Specified Consigners)

Article 61 (1) The Minister of Economy, Trade and Industry shall designate consigners whose volume of freight transportation consigned to freight carriers for a given business year as calculated pursuant to the provision of a Cabinet Order is beyond the level specified by a Cabinet Order, as consigners especially required to promote the rational use of energy in freight transportation consigned to freight carriers.

(2) A consigner shall, where its volume of freight transportation consigned to freight carriers for the previous business year as calculated pursuant to the provision of a Cabinet Order under the preceding paragraph is beyond the level specified by a Cabinet Order under the same paragraph, notify the Minister of Economy, Trade and Industry, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, of the matters concerning the volume of freight transportation as specified by an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to a consigner designated pursuant to the same paragraph (hereinafter referred to as a "specified consigner").

(3) A specified consigner may, where any of the events listed in the following items has occurred, make an offer to the Minister of Economy, Trade and Industry pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry to the effect that the designation made under the provision of paragraph (1) should be rescinded:

(i) The specified consigner, in connection with its business activity, has ceased to continuously have freight carriers transport its freight; or

(ii) The specified consigner's volume of freight transportation consigned to freight carriers as calculated pursuant to the provision of a Cabinet Order under paragraph (1) is no longer likely to be beyond the level specified by a Cabinet Order under the same paragraph.

(4) Upon receiving an offer made under the preceding paragraph, the Minister of Economy, Trade and Industry shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without

delay. The same shall apply where, in the absence of an offer made under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred.

- (5) The Minister of Economy, Trade and Industry shall, when having made a designation pursuant to paragraph (1) or rescinded a designation pursuant to the preceding paragraph, notify the minister with jurisdiction over the consigner's business to that effect.

(Preparation of Plans)

Article 62 A specified consigner shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, prepare each business year a plan for achieving the targets for the rational use of energy in freight transportation consigned to freight carriers that are specified in the standards of judgment prescribed in Article 59, paragraph (1), and submit the plan to the competent minister.

(Periodical Reports)

Article 63 (1) A specified consigner shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, report to the competent minister each business year the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry with regard to the energy consumption in freight transportation consigned to freight carriers and other status of energy use in such freight transportation (including the matters concerning efficiency in energy use in the freight transportation and CO₂ emissions from energy use in the freight transportation) as well as the status of implementation of the necessary measures for the rational use of energy in the freight transportation.

- (2) The Minister of Economy, Trade and Industry shall, when he/she intends to formulate or revise an Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph (limited to the matters concerning CO₂ emissions from energy use in freight transportation consigned to freight carriers), consult with the Minister of the Environment in advance.

(Recommendations and Orders)

Article 64 (1) The Minister of Economy, Trade and Industry may, when he/she finds that the status of the rational use of energy in freight transportation consigned by a specified consigner to freight carriers is significantly insufficient in light of the standards of judgment prescribed in Article 59, paragraph (1), recommend the specified consigner to take necessary measures for the rational use of energy in such freight transpiration, while presenting the grounds for his/her judgment.

- (2) Where a specified consigner that has received recommendations made under the preceding paragraph has failed to follow the recommendations, the competent minister may publicize this.
- (3) Where a specified consigner that has received recommendations prescribed in paragraph (1) has failed to take the measures as recommended without justifiable grounds, the competent minister may, after hearing opinions of Councils, etc. specified by a Cabinet Order, order the specified consigner to take the measures as recommended.

(Opinions of the Minister of Land, Infrastructure, Transport and Tourism)

Article 65 The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it particularly necessary in order to ensure the appropriate implementation of the rational use of energy in freight transportation by freight carriers, state his/her opinions to the competent minister about the operation of the provision of Article 60 or the preceding Article.

Section 2 Measures Pertaining to Passenger Transportation, etc.

(Standards of Judgment for Passenger Carriers)

Article 66 (1) For the purpose of ensuring the appropriate and effective implementation of the rational use of energy in passenger transportation, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism shall establish and publicize standards of judgment for passenger carriers (which means business operators that transport, with the use of energy, passengers departing from or arriving at places in Japan; the same shall apply hereinafter), with regard to the following matters as well as the targets for the rational use of energy in passenger transportation and the measures to be taken systematically to achieve such targets:

- (i) Use of transportation machinery and equipment with high performance in light of energy consumption;
 - (ii) Operation or control of transportation machinery and equipment that contributes to the rational use of energy; and
 - (iii) Reduction of the distance of driving or navigation without passengers.
- (2) The provision of Article 52, paragraph (2) shall apply mutatis mutandis to the standards of judgment prescribed in the preceding paragraph.

(Guidance and Advice)

Article 67 The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it necessary in order to ensure the proper implementation of the rational use of energy in passenger transportation, provide passenger

carriers with necessary guidance and advice with regard to the implementation of the matters listed in the items of paragraph (1) of the preceding Article, by considering the standards of judgment prescribed in the same paragraph.

(Designation of Specified Passenger Carriers)

Article 68 (1) The Minister of Land, Infrastructure, Transport and Tourism shall designate passenger carriers whose transportation capacity specified by a Cabinet Order is beyond the level specified by a Cabinet Order for the respective categories of passenger transportation specified by a Cabinet Order (hereinafter referred to as "passenger transportation categories"), as passenger carriers especially required to promote the rational use of energy in passenger transportation for the respective freight transportation categories.

(2) A passenger carrier shall, where its transportation capacity specified by a Cabinet Order under the preceding paragraph as of the last day of the previous business year for the respective passenger transportation categories is beyond the level specified by a Cabinet Order under the same paragraph, notify the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, of the matters concerning the transportation capacity as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism for the respective passenger transportation categories; provided, however, that this shall not apply to a passenger carrier designated pursuant to the same paragraph (hereinafter referred to as a "specified passenger carrier") with respect to the passenger transportation category pertaining to the designation.

(3) A specified passenger carrier may, where any of the events listed in the following items has occurred with respect to the passenger transportation category pertaining to the designation, make an offer to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism to the effect that the designation for the passenger transportation category should be rescinded:

(i) The specified passenger carrier has ceased to operate the passenger transportation business; or

(ii) The specified passenger carrier's transportation capacity specified by a Cabinet Order under paragraph (1) is no longer likely to be beyond the level specified by a Cabinet Order under the same paragraph.

(4) Upon receiving an offer made under the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without delay. The same shall apply where, in the absence of an offer made

under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred.

(Application Mutatis Mutandis)

Article 69 The provisions of Articles 55 to 57 inclusive shall apply mutatis mutandis to specified passenger carriers. In this case: in Article 55, the phrase "paragraph (1) of the preceding Article" shall be deemed to be replaced with "Article 68, paragraph (1)," the phrase "Article 52, paragraph (1)" shall be deemed to be replaced with "Article 66, paragraph (1)," the phrase "freight transportation" shall be deemed to be replaced with "passenger transportation," and the phrase "freight transportation categories" shall be deemed to be replaced with "passenger transportation categories"; in Article 56, paragraph (1), the phrase "Article 54, paragraph (1)" shall be deemed to be replaced with "Article 68, paragraph (1)," the phrase "freight transportation" shall be deemed to be replaced with "passenger transportation," and the phrase "freight transportation categories" shall be deemed to be replaced with "passenger transportation categories"; in Article 56, paragraph (2), the phrase "freight transportation" shall be deemed to be replaced with "passenger transportation"; in Article 57, paragraph (1), the phrase "Article 54, paragraph (1)" shall be deemed to be replaced with "Article 68, paragraph (1)," the phrase "freight transportation category" shall be deemed to be replaced with "passenger transportation category," the phrase "freight transportation" shall be deemed to be replaced with "passenger transportation," and the phrase "Article 52, paragraph (1)" shall be deemed to be replaced with "Article 66, paragraph (1)".

(Role of Business Operators)

Article 70 Business operators shall, while giving due consideration to the provisions of the basic policy, endeavor to contribute to the rational use of energy in transportation by properly encouraging their employees to commute by public transportation and implementing other measures.

Section 3 Special Provisions on Air Transportation

(Special Provisions for Air Carriers)

Article 71 (1) The Minister of Land, Infrastructure, Transport and Tourism shall designate air carriers (which means business operators that transport, by aircraft, freight or passengers departing from or arriving at places in Japan; the same shall apply hereinafter), whose transportation capacity specified by a Cabinet Order is beyond the level specified by a Cabinet Order, as air carriers especially required to promote the rational use of energy in freight or

passenger transportation.

- (2) The provisions of Article 54 and Article 68 shall not apply to Air Carriers.
- (3) An air carrier shall, where its transportation capacity specified by a Cabinet Order under paragraph (1) as of the last day of the previous business year is beyond the level specified by a Cabinet Order under the same paragraph, notify the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, of the matters concerning the transportation capacity as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that this shall not apply to an air carrier designated pursuant to the same paragraph (hereinafter referred to as a "specified air carrier").
- (4) A specified air carrier may, where any of the events listed in the following items has occurred, make an offer to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism to the effect that the designation made under the provision of paragraph (1) should be rescinded:
 - (i) The specified air carrier has ceased to operate the freight or passenger transportation business; or
 - (ii) The specified air carrier's transportation capacity specified by a Cabinet Order under paragraph (1) is no longer likely to be beyond the level specified by a Cabinet Order under the same paragraph.
- (5) Upon receiving an offer made under the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism shall, when he/she finds a reason for the offer, rescind the designation made under the provision of paragraph (1) without delay. The same shall apply where, in the absence of an offer made under the preceding paragraph, it is deemed that any of the events listed in the items of the same paragraph has occurred.
- (6) The provisions of Articles 55 to 57 inclusive shall apply mutatis mutandis to specified air carriers. In this case: in Article 55, the phrase "paragraph (1) of the preceding Article" shall be deemed to be replaced with "Article 71, paragraph (1)," the phrase "Article 52, paragraph (1)" shall be deemed to be replaced with "Article 52, paragraph (1) and Article 66, paragraph (1)," the phrase "freight transportation" shall be deemed to be replaced with "freight or passenger transportation," and the phrase "for the respective freight transportation categories pertaining the designation for achieving" shall be deemed to be replaced with "for achieving"; in Article 56, paragraph (1), the phrase "Article 54, paragraph (1)" shall be deemed to be replaced with "Article 71, paragraph (1)," the phrase "freight transportation" shall be deemed to be replaced with "freight or passenger transportation," the phrase "by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism for

each freight transportation category pertaining to the designation" shall be deemed to be replaced with "by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism"; in Article 56, paragraph (2), the phrase "freight transportation" shall be deemed to be replaced with "freight or passenger transportation"; in Article 57, paragraph (1), the phrase "freight transportation by a specified freight carrier with respect to the freight transportation category pertaining to the designation made under Article 54, paragraph (1)" shall be deemed to be replaced with "freight or passenger transportation by a specified air carrier," the phrase "Article 52, paragraph (1)" shall be deemed to be replaced with "Article 52, paragraph (1) and Article 66, paragraph (1)," and the phrase "freight transportation with respect to the freight transportation category" shall be deemed to be replaced with "freight or passenger transportation."

Chapter V Measures, etc., Pertaining to Buildings

Section 1 Measures Pertaining to Buildings

Subsection 1 Measures Pertaining to Construction of Buildings, etc.

(Role of Persons Who Intend to Construct Buildings)

Article 72 The following persons shall, while giving due consideration to the provisions of the basic policy, endeavor to contribute to the rational use of energy for buildings by properly implementing the measures to prevent heat loss through exterior walls, windows, etc. of buildings and realize the efficient utilization of energy for air conditioning systems or other building equipment specified by a Cabinet Order which are installed in buildings (hereinafter referred to as "air conditioning systems, etc."):

- (i) A person who intends to construct a building;
- (ii) The owner of a building (in the case of a building managed by a person other than the owner, the manager of the building; the same shall apply hereinafter);
- (iii) A person who intends to repair or remodel the roofs, walls or floors of a building that are directly exposed to the outside (including windows or other openings established therein; the same shall apply hereinafter); or
- (iv) A person who intends to install air conditioning systems, etc. in a building or modify the air conditioning systems, etc. installed in a building.

(Standards of Judgment for Construction Clients, etc. and Owners of Specified Buildings)

Article 73 (1) For the purpose of ensuring the appropriate and effective implementation of the rational use of energy for buildings, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure,

Transport and Tourism shall establish and publicize standards of judgment for construction clients, etc. (which means the persons listed in item (i), item (iii) and item (iv) of the preceding Article; the same shall apply hereinafter) and for owners of buildings beyond the size specified by a Cabinet Order in the respect that it is particularly necessary to promote the rational use of energy for the buildings in light of their size (hereinafter referred to as "specified buildings"), with regard to the measures prescribed in the preceding Article (excluding those pertaining to the cases where a construction client engaged in the construction of residences on a regular basis (hereinafter referred to as a "residential construction client") constructs a new residence specified by a Cabinet Order (hereinafter referred to as a "specified residence").

(2) The provision of Article 52, paragraph (2) shall apply mutatis mutandis to the standards of judgment prescribed in the preceding paragraph.

(Guidance and Advice on Buildings, etc.)

Article 74 (1) An administrative agency with jurisdiction (which means, with respect to the area of a municipality or special ward that has a district construction surveyor, the mayor of such a municipality or special ward, and with respect to the area of other municipality or special ward, the prefectural governor; provided, however, that it means the prefectural governor with respect to buildings specified by a Cabinet Order to be constructed in the area of a municipality or special ward that has a district construction surveyor pursuant to Article 97-2, paragraph (1) or Article 97-3, paragraph (1) of the Building Standards Act (Act No. 201 of 1950); the same shall apply hereinafter) may, when he/she finds it necessary in order to ensure the proper implementation of the measures prescribed in Article 72 with respect to buildings (excluding residences; hereinafter the same shall apply in this paragraph), provide construction clients, etc. or owners of specified buildings (excluding residences) with necessary guidance and advice with regard to the matters concerning the designing, construction and maintenance of buildings, by considering the standards of judgment prescribed in paragraph (1) of the preceding Article.

(2) The Minister of Land, Infrastructure, Transport and Tourism shall, when he/she finds it necessary in order to ensure the proper implementation of the measures prescribed in Article 72 with respect to residences, establish guidelines for the designing, construction and maintenance of residences, in accordance with the standards of judgment prescribed in paragraph (1) of the preceding Article, with regard to the prevention of heat loss through exterior walls, windows, etc. of residences and the efficient utilization of energy for air conditioning systems, etc. installed in residences, and publicize the guidelines.

(Notification, Instructions, etc. Concerning Type 1 Specified Buildings)

Article 75 (1) A person who intends to take any of the measures listed in the following items (hereinafter referred to as a "Type 1 specified construction client, etc.") shall, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify the administrative agency with jurisdiction of the matters concerning the designing and construction of a building as set forth in the respective items, which relate to the measures prescribed in the respective items. The same shall apply where such a person intends to change these matters:

- (i) Construction of a new specified building beyond the size specified by a Cabinet Order in the respect that it is particularly necessary to promote the rational use of energy for the building in light of its size (hereinafter referred to as a "Type 1 specified building") (excluding the cases where a residential construction client constructs a new specified residence categorized as a Type 1 specified building), or reconstruction of a specified building beyond the size specified by a Cabinet Order, or extension of a building beyond the scale specified by a Cabinet Order: Measures to prevent heat loss through exterior walls, windows, etc. of the building and realize the efficient utilization of energy for air conditioning systems, etc. installed in the building;
 - (ii) Repair or remodeling of the roofs, walls or floors of a Type 1 specified building that are directly exposed to the outside, beyond the scale specified by a Cabinet Order: Measures to prevent heat loss through exterior walls, windows, etc. of said Type 1 specified building; or
 - (iii) Installation of air conditioning systems, etc. in a Type 1 specified building, or modification of the air conditioning systems, etc. installed in a Type 1 specified building as specified by a Cabinet Order: Measures to realize the efficient utilization of energy for the air conditioning systems, etc.
- (2) Upon receiving a notification made under the preceding paragraph, the administrative agency with jurisdiction may, when it finds that the matters pertaining to the notification are significantly insufficient in light of the standards of judgment prescribed in Article 73, paragraph (1), instruct the person who has made the notification to change the matters pertaining to the notification, while presenting the grounds for its judgment.
- (3) Where a person who has received instructions given under the preceding paragraph has failed to follow the instructions, the administrative agency with jurisdiction may publicize this.
- (4) Where a person who has received instructions given under the provision of paragraph (2) has failed to take the measures as instructed without justifiable grounds, the administrative agency with jurisdiction may, after hearing opinions of persons with relevant knowledge and experience concerning buildings, order the person who has received said instructions to take the

measures as instructed.

- (5) A person who has made a notification pursuant to paragraph (1) (if the person who has made the notification is not the manager of the building pertaining to the notification, the manager; or if the building has been assigned to another person, the assignee (if the building has been assigned to a person other than the manager of the building, the manager)) shall, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, periodically report to the administrative agency with jurisdiction the status of maintenance of the building with respect to the matters pertaining to the notification.
- (6) Upon receiving a report made under the preceding paragraph, the administrative agency with jurisdiction shall, when it finds that the matters pertaining to the report are significantly insufficient in light of the standards of judgment prescribed in Article 73, paragraph (1), recommend the person who has made the report to take maintenance measures that will contribute to the efficient utilization of energy, while presenting the grounds for its judgment.
- (7) The provisions of the preceding paragraphs shall not apply to buildings specified by a Cabinet Order in the respect that it is difficult to take the measures prescribed in Article 72 for the buildings because measures for regulations on changing the existing state and for preservation and other relevant measures as prescribed in laws and regulations or prefectural/municipal ordinances have already been taken, or to temporary buildings specified by a Cabinet Order.

(Notification, Recommendations, etc. Pertaining to Type 2 Specified Buildings)

- Article 75-2 (1) A person who intends to construct a new specified building other than a Type 1 specified building (hereinafter referred to as a "Type 2 specified building") (excluding the cases where a residential construction client constructs a new specified residence categorized as a Type 2 specified building), or reconstruct a building beyond the size specified by a Cabinet Order or extend a building beyond the scale specified by a Cabinet Order (excluding the extension prescribed in paragraph (1), item (i) of the preceding Article) (such person shall hereinafter be referred to as a "Type 2 specified construction client") shall, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify the administrative agency with jurisdiction of the measures to prevent heat loss through exterior walls, windows, etc. of said building and to realize the efficient utilization of energy for air conditioning systems, etc. installed in said building with respect to the matters concerning designing and construction of said building. The same shall apply where such person intends to revise the measures.
- (2) Upon receiving a notification made pursuant to the provision of preceding

paragraph, the administrative agency with jurisdiction may, when it finds that the matters concerning said notification is significantly insufficient in light of the standards of judgment prescribed in Article 73, paragraph (1), recommend the person who has made said notification to take necessary measures for the matters concerning said notification, while presenting the grounds for its judgment.

- (3) A person who made a notification pursuant to the provision of paragraph (1) (if the person who has made a notification is not the manager of the building pertaining to said notification, the manager; or if said building has been assigned to another person, the assignee (if the building has been assigned to a person other than the manager of the building, the manager)) shall, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, periodically report to the administrative agency with jurisdiction the status of maintenance of said building with respect to the matters pertaining to the notification (limited to those concerning measures to realize the efficient utilization of energy for air conditioning systems, etc. installed in said building with respect to designing and construction of said building); provided, however, that this shall not apply to the case where a building pertaining to the notification prescribed in the same paragraph is a residence.
- (4) The provision of paragraph (6) of the preceding Article shall apply mutatis mutandis to a report prescribed in the preceding paragraph.
- (5) The provisions of the preceding paragraphs shall not apply to buildings specified by a Cabinet Order under paragraph (7) of the preceding Article in the respect that it is difficult to take the measures prescribed in Article 72 for the buildings because measures for regulations on changing the existing state and for preservation and other relevant measures as prescribed in laws and regulations or prefectural/municipal ordinances have already been taken, or to temporary buildings specified by a Cabinet Order under the same paragraph.

(Special Provisions on Investigations by Registered Building Investigation Body)

Article 76 (1) A person who is responsible for making a report pursuant to the provision of Article 75, paragraph (5) or paragraph (3) of the preceding Article may, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, undergo an investigation conducted by a person registered by the Minister of Land, Infrastructure, Transport and Tourism (hereinafter referred to as a "registered building investigation body") with regard to the status of maintenance of the building pertaining to his/her report (hereinafter referred to as a "building investigation"); provided, however, that a person who has received recommendations under Article 75, paragraph

- (6) (including the cases where it is applied mutatis mutandis pursuant to paragraph (4) of the preceding Article) shall not undergo said Building Investigation until a period specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism has elapsed since the day when said recommendations were received.
- (2) When a registered investigation body finds, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, that the status of maintenance of a building, for which a building investigation has been conducted, conforms to the standards of judgment prescribed in Article 73, paragraph (1), it shall issue a document to that effect.
- (3) A registered building investigation body shall, when having issued the document set forth in the preceding paragraph, report the results of the building investigation pertaining to the issued document to the administrative agency with jurisdiction without delay, pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) With respect to a person listed in any of the following items for whom the document set forth in paragraph (2) has been issued, the provisions prescribed in said respective items shall not apply in a term that contains the date of issuance of said document:
- (i) A person who is responsible for making a report pursuant to the provision of Article 75, paragraph (5): the provisions of the same paragraph and paragraph (6) of the same Article; or
 - (ii) A person who is responsible for making a report pursuant to the provision of paragraph (3) of the preceding Article: the provision of Article 75, paragraph (6) as applied mutatis mutandis pursuant to paragraphs (3) and (4) of the preceding Article.

(Guidance and Advice on Designing Buildings, etc.)

Article 76-2 The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it particularly necessary in order to ensure the construction of buildings that conform to the standards of judgment prescribed in Article 73, paragraph (1) or the guidelines prescribed in Article 74, paragraph (2), provide business operators engaged in designing and construction of buildings, with necessary guidance and advice with regard to the improvement of the performance and indication of said performance necessary for buildings to prevent heat loss through exterior walls, windows, etc. of buildings and to realize the efficient utilization of energy for the air conditioning systems, etc. installed in buildings, by considering said standards of judgment and said guidelines.

(Guidance and Advice on Building Materials)

Article 76-3 The Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary in order to ensure the construction of buildings that conform to the standards of judgment prescribed in Article 73, paragraph (1) or the guidelines prescribed in Article 74, paragraph (2), provide business operators engaged in manufacturing, processing or importing building materials used for the prevention of heat loss through exterior walls, windows, etc. of buildings, with necessary guidance and advice with regard to the improvement of the thermal insulation property of building materials and indication of said property, by considering said standards of judgment and said guidelines.

Subsection 2 Special Measures Pertaining to New Specified Residences Constructed by Residential Construction Client

(Role of Residential Construction Clients)

Article 76-4 A residential construction client shall, while giving due consideration to the provisions of the basic policy, endeavor to contribute to the rational use of energy for a new specified residence that he/she constructs, by improving the performance of the specified residence required to prevent heat loss through exterior walls, windows, etc. of a residence and to realize the efficient utilization of energy for the air conditioning systems, etc. installed in a residence.

(Standards of Judgment for Residential Construction Clients)

Article 76-5 (1) The Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism shall establish and publicize standards of judgment for residential construction clients with regard to the improvement of performance of new specified residences constructed by residential construction clients as prescribed in the preceding paragraph.

(2) By considering the highest level of the performance prescribed in the preceding Article among new specified residences constructed by residential construction clients, future prospects for technological development related to specified residences and other circumstances, the standards of judgment prescribed in the preceding paragraph shall be established by adding necessary matters to the standards of judgment prescribed in Article 73, paragraph (1), and shall be revised, if necessary, depending on any changes in these circumstances.

(Recommendations and Orders Concerning Improvement of Performance)

Article 76-6 (1) The Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds it necessary, with respect to a new specified residence

constructed by a residential construction client whose construction volume of new specified residences exceeds the number specified by a Cabinet Order to improve the performance prescribed in Article 76-4 to a considerable extent, in light of the standards of judgment prescribed in paragraph (1) of the preceding Article, recommend said residential construction client to improve said performance of his/her new specified residence, by setting targets for improvement.

(2) Where a residential construction client that has received recommendations under the preceding paragraph has failed to follow the recommendations, the Minister of Land, Infrastructure, Transport and Tourism may publicize this.

(3) Where a residential construction client that has received recommendations under the provision of paragraph (1) has failed to take the measures as recommended without justifiable grounds, the Minister of Land, Infrastructure, Transport and Tourism may, when he/she finds that such failure significantly affects the rational use of energy for the new specified residence constructed by the residential construction client, order said residential construction client to take the measures as recommended, after hearing opinions of Councils, etc. specified by a Cabinet Order.

Section 2 Registered Building Investigation Body

(Registration)

Article 76-7 The registration set forth in Article 76, paragraph (1) (hereinafter referred to as a "registration" in this Section) shall be made pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, upon application by a person who intends to conduct the building investigation.

(Standards for Registration)

Article 76-8 (1) The Minister of Land, Infrastructure, Transport and Tourism shall register a person who has applied for registration pursuant to the preceding Article if such person conforms to all of the following requirements. In this case, necessary procedures for the registration shall be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism:

- (i) The building investigation shall be conducted by two or more expert investigator prescribed in the following Article; and
- (ii) The following measures shall be taken to ensure the reliability of the building investigation:
 - (a) A dedicated supervisor is assigned to the division engaging in building investigations;
 - (b) Documents are prepared for controlling the operation of and securing

- accuracy in building investigations; and
- (c) A dedicated division is established for controlling the operation of and securing accuracy in building investigations in accordance with the descriptions in the documents listed in (b).
- (2) The registration shall be made, with the following matters stated in the registry of registered building investigation bodies:
- (i) The date of registration and registration number;
 - (ii) The name and address of the person registered, as well as the name of the representative if such a person is a juridical person; and
 - (iii) The location of the place of business where the registered building investigation body provides the building investigation services.

(Expert Investigator)

Article 76-9 A registered building investigation body shall appoint an expert investigator from among persons who are first-class architects under Article 2, paragraph (2) of the Act on Architects and Building Engineers (Act No. 202 of 1950), those who passed an official qualification examination for building standards examiner under Article 5, paragraph (1) of the Building Standards Act or those who have been recognized by the Minister of Land, Infrastructure, Transport and Tourism as having equal or greater knowledge and experience than these persons (hereinafter referred to as "first-class architects, etc."), and who completed the courses of training provided by a person registered by the Minister of Land, Infrastructure, Transport and Tourism (hereinafter referred to as a "registered training agency") (this training shall hereinafter be referred to as "building investigation training" in the following Section and Article 93, item (ii)).

(Application Mutatis Mutandis)

Article 76-10 The provisions of Article 30, paragraph (1), Article 31, paragraph (1), Article 33, Article 40 and Article 42 to Article 50 inclusive shall apply mutatis mutandis to registered building investigation bodies. In this case, the phrase "(including examiners; hereinafter the same shall apply in the following paragraph)" in Article 30, paragraph (1) shall be deemed to be replaced with "(including expert investigators)", the term "the examination affairs" in the same paragraph and Article 33, paragraph (1) shall be deemed to be replaced with "the building investigation affairs", the term "the Minister of Economy, Trade and Industry" in Article 31, paragraph (1), Article 44, Article 45, paragraph (1), Article 46 and Article 48 to Article 50 inclusive shall be deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism", the phrase "the items of Article 23 (excluding item (iii); hereinafter the same shall apply in this paragraph)" in Article 31, paragraph (1) shall be

deemed to be replaced with "the items of paragraph (1) of Article 76-8", the term "an Ordinance of the Ministry of Economy, Trade and Industry" in Article 33, Article 43, paragraphs (2) and (3) and Article 45, paragraph (2), Article 46 and Article 47, paragraph (2), items (iii) and (iv) shall be deemed to be replaced with "an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism", the term "Article 49" in Article 40, item (ii) shall be deemed to be replaced with "Article 49 as applied mutatis mutandis pursuant to Article 76-10", the term "the preceding three Articles" in Article 42, paragraph (2) shall be deemed to be replaced with "Article 76-7, Article 76-8, and Article 40 as applied mutatis mutandis pursuant to Article 76-10", the term "an investigation for verification" in Article 43 to Article 46 inclusive, Article 48, Article 49 and Article 50, item (iii) shall be deemed to be replaced with "a building investigation", the phrase "factories, etc. which belong to" in Article 43, paragraph (3) shall be deemed to be replaced with "buildings pertaining to", the term "operational rules for investigation services" in Article 45 (including the title) shall be deemed to be replaced with "operational rules for building investigation services", the phrase "A specified business operator or specified chain business operator" in Article 47, paragraph (2) shall be deemed to be replaced with "a person who filed an application pursuant to Article 75, paragraph (1) or Article 75-2, paragraph (1)", the phrase "Article 43, paragraph (1) or paragraph (2)" in Article 48 shall be deemed to be replaced with "Article 43, paragraph (1) or paragraph (2) as applied mutatis mutandis pursuant to Article 76-10", the phrase "Article 40, item (i) or item (iii)" in Article 49, item (i) shall be deemed to be replaced with "Article 40, item (i) or item (iii) as applied mutatis mutandis pursuant to Article 76-10", the phrase "Article 43, paragraph (3), Article 44, Article 45, paragraph (1), Article 46, Article 47, paragraph (1), or Article 33 as applied mutatis mutandis pursuant to Article 51" in Article 49, item (ii) shall be deemed to be replaced with "Article 33, Article 43, paragraph (3), Article 44, Article 45, paragraph (1), Article 46 or Article 47, paragraph (1) as applied mutatis mutandis pursuant to Article 76-10", the phrase "the items of paragraph (2) of Article 47" in Article 49, item (iii) shall be deemed to be replaced with "the items of paragraph (2) of Article 47 as applied mutatis mutandis pursuant to Article 76-10", the phrase "the preceding Article, or Article 31, paragraph (1) as applied mutatis mutandis pursuant to Article 51" in Article 49, item (iv) shall be deemed to be replaced with "Article 31, paragraph (1) or the preceding Article as applied mutatis mutandis pursuant to Article 76-10", the phrase "Article 44 or Article 46" in Article 50, item (ii) shall be deemed to be replaced with "Article 44 or Article 46 as applied mutatis mutandis pursuant to Article 76-10" and the term "the preceding Article" in Article 50, item (iii) shall be deemed to be replaced with "the preceding Article as applied mutatis mutandis pursuant to Article 76-10".

Section 3 Registered Training Agency

(Registration)

Article 76-11 The registration under Article 76-9 (hereinafter referred to as a "registration" in this Section) shall be made pursuant to the provision of an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, upon application by a person who intends to provide the building investigation training.

(Standards for Registration)

Article 76-12 (1) The Minister of Land, Infrastructure, Transport and Tourism shall register a person who has applied for the registration pursuant to the preceding paragraph if that person conforms to all of the following requirements. In this case, necessary procedures for registration shall be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism:

- (i) The building investigation training services shall include subjects concerning the legal systems and practice with regard to the rational use of energy in buildings; and
- (ii) With respect to the subject concerning the practice with regard to the rational use of energy in buildings prescribed in the preceding item, a person who falls under any of the following subitems shall provide the building investigation training services:
 - (a) a person who has three or more years of practicing experience as an expert investigator under Article 76-9; or
 - (b) a person who has been recognized by the Minister of Land, Infrastructure, Transport and Tourism as having equal or greater knowledge and experience than the person listed in (a).

(2) The registration shall be made, with the following matters stated in the registry of registered training agencies:

- (i) The date of registration and registration number;
- (ii) The name and address of the person registered, as well as the name of the representative if such a person is a juridical person; and
- (iii) The location of the place of business where a registered training agency provides the building investigation training services.

(Obligations Pertaining to Provision of Building Investigation Training)

Article 76-13 A registered training agency shall provide the building investigation training courses fairly by a method that conforms to the standards prescribed in the provision of items of paragraph (1) of the preceding

Article and those specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Building Investigation Training Services Administered by the Minister of Land, Infrastructure, Transport and Tourism)

Article 76-14 (1) The Minister of Land, Infrastructure, Transport and Tourism may him/herself administer the whole or part of the building investigation training services in any of the following cases or other cases where he/she finds it necessary:

(i) There is no person registered;

(ii) There was a notification to suspend or discontinue the whole or part of the building investigation training services pursuant to Article 46 as applied mutatis mutandis pursuant to Article 76-16;

(iii) There was rescission of the registration or an order to suspend the whole or part of the building investigation training service pursuant to the provision of Article 49 as applied mutatis mutandis pursuant to Article 76-16; or

(iv) It has become difficult for a registered training agency to provide the whole or part of the building investigation training services as a result of a natural disaster or otherwise.

(2) The transfer of the building investigation training services and other necessary matters, in the cases where the Minister of Land, Infrastructure, Transport and Tourism administers the whole or part of the building investigation training services him/herself pursuant to the provision of the preceding paragraph, shall be specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Public Notice)

Article 76-15 In any of the following cases, the Minister of Land, Infrastructure, Transport and Tourism shall make a public notice of the relevant matters in official gazettes:

(i) Where the Minister has made the registration;

(ii) Where the Minister has received a notification made under Article 44 or Article 46 as applied mutatis mutandis pursuant to the following Article;

(iii) Where the Minister has rescinded the registration or ordered the suspension of the whole or part of the building investigation training services pursuant to the provision of Article 49 as applied mutatis mutandis pursuant to the following Article; or

(iv) Where the Minister administers the whole of part of the building investigation training services him/herself pursuant to the provision of paragraph (1) of the preceding Article, or ceases to administer the whole or

part of the building investigation training services that he/she has administered him/herself.

(Application Mutatis Mutandis)

Article 76-16 The provisions of Article 31, paragraph (1), Article 33, Article 40, Article 42 and Article 44 to Article 49 inclusive shall apply mutatis mutandis to registered training agencies. In this case, the term "the Minister of Economy, Trade and Industry" in Article 31, paragraph (1), Article 44, Article 45, paragraph (1), Article 46, Article 48 and Article 49 shall be deemed to be replaced with "the Minister of Land, Infrastructure, Transport and Tourism", the phrase "the items of Article 23 (excluding item (iii); hereinafter the same shall apply in this paragraph)" in Article 31, paragraph (1) shall be deemed to be replaced with "the items of paragraph (1) of Article 76-12", the term "the examination affairs" in Article 33, paragraph (1) shall be deemed to be replaced with "the building investigation training affairs", the term "an Ordinance of the Ministry of Economy, Trade and Industry" in the same Article, Article 45, paragraph (2), Article 46 and Article 47, paragraph (2), items (iii) and (iv) shall be deemed to be replaced with "an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism", the term "Article 49" in Article 40, item (ii) shall be deemed to be replaced with "Article 49 as applied mutatis mutandis pursuant to Article 76-16", the term "the preceding three Articles" in Article 42, paragraph (2) shall be deemed to be replaced with "Article 76-11, Article 76-12, and Article 40 as applied mutatis mutandis pursuant to Article 76-16", the term "an investigation for verification" in Article 44 to Article 46 inclusive, Article 48 and Article 49 shall be deemed to be replaced with "building investigation training", the term "operational rules for investigation services" in Article 45 (including the title) shall be deemed to be replaced with "operational rules for building investigation training", the term "investigation" in the title of Article 46 shall be deemed to be replaced with "building investigation training", the phrase "A specified business operator or specified chain business operator" in Article 47, paragraph (2) shall be deemed to be replaced with "first-class architect, etc.", the phrase "Article 43, paragraph (1) or paragraph (2)" in Article 48 shall be deemed to be replaced with "Article 76-13", the phrase "Article 40, item (i) or item (iii)" in Article 49, item (i) shall be deemed to be replaced with "Article 40, item (i) or item (iii) as applied mutatis mutandis pursuant to Article 76-16", the phrase "Article 43, paragraph (3), Article 44, Article 45, paragraph (1), Article 46, Article 47, paragraph (1), or Article 33 as applied mutatis mutandis pursuant to Article 51" in Article 49, item (ii) shall be deemed to be replaced with "Article 33, Article 44, Article 45, paragraph (1), Article 46 or Article 47, paragraph (1) as applied mutatis mutandis pursuant to Article 76-16", the phrase "the items of paragraph (2) of

Article 47" in Article 49, item (iii) shall be deemed to be replaced with "the items of paragraph (2) of Article 47 as applied mutatis mutandis pursuant to Article 76-16", the phrase "the preceding Article, or Article 31, paragraph (1) as applied mutatis mutandis pursuant to Article 51" in Article 49, item (iv) shall be deemed to be replaced with "Article 31, paragraph (1) or the preceding Article as applied mutatis mutandis pursuant to Article 76-16".

Chapter VI Measures Pertaining to Machinery and Equipment

(Role of Manufacturers, etc.)

Article 77 Business operators engaged in manufacturing or importing energy-consuming machinery and equipment (hereinafter referred to as "manufacturers/importers") shall endeavor to contribute to the rational use of energy for machinery and equipment that they manufacture or import, by improving the performance of machinery and equipment in light of energy consumption.

(Standards of Judgment for Manufacturers/Importers)

Article 78 (1) With respect to automobiles (limited to those specified by a Cabinet Order in the respect that it is particularly necessary to improve the performance thereof as prescribed in the preceding Article; the same shall apply hereinafter) and other energy-consuming machinery and equipment that is heavily used in Japan and consumes a considerable amount of energy, which is specified by a Cabinet Order in the respect that it is particularly necessary to improve the performance thereof (hereinafter referred to as "specified equipment"), the Minister of Economy, Trade and Industry (or in the case of automobiles, the Minister of Economy, Trade and Industry and the Minister of Land, Infrastructure, Transport and Tourism; hereinafter the same shall apply in this Chapter and Article 87, paragraph (11)) shall establish and publicize standards of judgment for manufacturers/importers, with regard to the improvement of the performance for the respective specified equipment.

(2) The standards of judgment prescribed in the preceding paragraph shall be established by taking into consideration the highest level of the performance as prescribed in the preceding Article for the respective specified equipment, future prospects for technological development related to the respective specified equipment and other circumstances, and shall be revised if necessary depending on any changes in these circumstances.

(Recommendations and Orders Concerning Improvement of Performance)

Article 79 (1) The Minister of Economy, Trade and Industry may, when he/she finds it necessary for a manufacturer/importer whose production or import

volume of specified equipment satisfies the requirements specified by a Cabinet Order to improve the performance prescribed in Article 77, with respect to the specified equipment that the manufacturer/importer manufactures or imports, to a considerable extent in light of the standards of judgment prescribed in paragraph (1) of the preceding Article, recommend the manufacturer/importer to improve the performance of the manufactured or imported specified equipment, setting targets for improvement.

(2) Where a manufacturer/importer that has received recommendations made under the preceding paragraph has failed to follow the recommendations, the Minister of Economy, Trade and Industry may publicize this.

(3) Where a manufacturer/importer that has received recommendations prescribed in paragraph (1) has failed to take the measures as recommended without justifiable grounds, the Minister of Economy, Trade and Industry may, when he/she finds that such failure significantly affects the rational use of energy for the specified equipment, order the manufacturer/importer to take the measures as recommended, after hearing opinions of Councils, etc. specified by a Cabinet Order.

(Labeling)

Article 80 The Minister of Economy, Trade and Industry shall specify the following matters for the respective specified equipment (excluding such equipment that falls into the category of household goods prescribed in Article 2, paragraph (1), item (i) of the Household Goods Quality Labeling Act (Act No. 104 of 1962); hereinafter the same shall apply in this Article and the following Article), and make public notice of them:

(i) Matters to be indicated in labels by manufacturers/importers with regard to energy efficiency of specified equipment (the value calculated pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry (or in the case of automobiles, an Ordinance of the Ministry of Economy, Trade and Industry and Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism) as representing the performance of specified equipment in light of energy consumption; the same shall apply hereinafter).; and

(ii) The labeling method and other matters to be observed by manufacturers/importers when indicating energy efficiency.

(Recommendations and Orders Concerning Labeling)

Article 81 (1) The Minister of Economy, Trade and Industry may, when he/she finds that a manufacturer/importer does not affix labels indicating energy efficiency in accordance with the public notice made under the preceding Article with respect to specified equipment, recommend the

manufacturer/importer to affix labels indicating energy efficiency, in accordance with the public notice, to the manufactured or imported specified equipment.

(2) Where a manufacturer/importer that has received recommendations made under the preceding paragraph has failed to follow the recommendations, the Minister of Economy, Trade and Industry may publicize this.

(3) Where a manufacturer/importer that has received recommendations prescribed in paragraph (1) has failed to take the measures as recommended without justifiable grounds, the Minister of Economy, Trade and Industry may, when he/she finds that such failure significantly affects the rational use of energy for the specified equipment, order the manufacturer/importer to take the measures as recommended, after hearing opinions of Councils, etc. specified by a Cabinet Order.

Chapter VII Miscellaneous Provisions

(Fiscal Measures, etc.)

Article 82 The State shall endeavor to take fiscal, financial and taxation measures necessary to promote the rational use of energy, etc.

(Advancement of Science and Technology)

Article 83 With the aim to achieve advancement of science and technology that will contribute to the promotion of the rational use of energy, etc., the State shall endeavor to take measures to promote research and development and disseminate the results thereof and other necessary measures.

(Measures to Increase Public Understanding, etc.)

Article 84 The State shall, through educational and publicity activities, endeavor to increase the public understanding of the rational use of energy, etc. and to ask for public cooperation for the implementation thereof.

(Consideration in Enforcement of this Act)

Article 84-2 For the purpose of promoting the rational use of energy in the whole nation, the Minister of Economy, Trade and Industry shall, in enforcing this Act, give due consideration so as to encourage efforts of business operators to contribute to promoting the rational use of energy of other persons by providing technology, giving advice and coordinating businesses, etc. made of their own accord.

(Consideration of Local Public Entities in Educational Activities, etc.)

Article 85 Local public entities shall, when carrying out educational and

publicity activities, give as much consideration as possible to contributing to increasing local residents' understanding of the rational use of energy, etc.

(Provision of Information to General Consumers)

Article 86 Business operators engaged in supplying energy to general consumers, business operators engaged in selling or renting buildings, business operators engaged in retailing energy-consuming machinery and equipment, and other business operators capable of cooperating, through their business activities, in general consumers' efforts towards the rational use of energy shall endeavor to provide information that contributes to general consumers' efforts towards the rational use of energy, such as by making notifications on the status of energy use by consumers, by giving indications of the performance required for buildings to prevent heat loss through exterior walls, windows, etc. of the buildings and to realize the efficient utilization of energy for air conditioning systems, etc. installed in the buildings, and by giving indications of the performance of machinery and equipment in light of energy consumption.

(Reports and On-site Inspections)

Article 87 (1) To the extent necessary for the enforcement of Article 7, paragraphs (1) and (5), Article 7-4, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1); the same shall apply in this Article) and paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1); the same shall apply in this Article), Article 17, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1); the same shall apply in this Article) and paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1); the same shall apply in this Article) and Article 19, paragraphs (1) and (4), the Minister of Economy, Trade and Industry may, pursuant to the provision of a Cabinet Order, cause business operators using energy in factories, etc. to report the status of their business in their factories, etc. or cause officials of the Ministry of the Economy, Trade and Industry to enter the factories, etc. and inspect energy-consuming facilities, books, documents and other objects.

(2) To the extent necessary for the enforcement of Article 7-2, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1); the same shall apply in this Article), Article 7-3, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1); the same shall apply in this Article), Article 8, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1); the same shall apply in this Article) and Article 13, paragraph (1) (including the cases where it is applied

mutatis mutandis pursuant to Article 18, paragraph (1) and Article 19-2, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of the same Article); the same shall apply in this Article), the Minister of Economy, Trade and Industry may, pursuant to the provision of a Cabinet Order, cause specified business operators or specified chain business operators to report the status of their business in their factories, etc. or cause officials of the Ministry of the Economy, Trade and Industry to enter their factories, etc. and inspect energy-consuming facilities, books, documents and other objects.

- (3) To the extent necessary for the enforcement of Chapter III, Section 1 (excluding Article 7, paragraphs (1) and (5), Article 7-2, paragraph (1), Article 7-3, paragraph (1), Article 7-4, paragraphs (1) and (3), Article 8, paragraph (1), Article 13, paragraph (1), Article 17, paragraphs (1) and (3) and Article 19, paragraphs (1) and (4)), the competent minister may, pursuant to the provision of a Cabinet Order, cause specified business operators or specified chain business operators to report the status of their business in their factories, etc. (or, for specified chain Business Operators, Factories, etc. including those pertaining to said Chain Business which belong to a franchisee of the chain business conducted by said specified chain business operators), or cause officials of the competent ministry to enter the factories, etc. and inspect energy-consuming facilities, books, documents and other objects; provided, however, that when the officials enter said factories, etc. pertaining to said chain business which belong to a franchisee of the chain business conducted by said specified chain business operator, they shall obtain the consent of said franchisee in advance.
- (4) To the extent necessary for the enforcement of Chapter III, Section 2 and Section 3, the Minister of Economy, Trade and Industry may cause a designated examining body or designated training agency to report the status of their business or accounting, or cause officials of the Ministry of the Economy, Trade and Industry to enter the offices of a designated examining body or designated training agency and inspect books, documents and other objects.
- (5) To the extent necessary for the enforcement of Chapter III, Section 4, the Minister of Economy, Trade and Industry may cause a registered investigation body to report the status of its business or accounting, or cause officials of the Ministry of the Economy, Trade and Industry to enter the offices of a registered investigation body and inspect books, documents and other objects.
- (6) To the extent necessary for the enforcement of Article 54, paragraph (1) and paragraph (4), Article 68, paragraph (1) and paragraph (4), and Article 71, paragraph (1) and paragraph (5), the Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provision of a Cabinet Order,

cause freight carriers, passenger carriers or air carriers (hereinafter simply referred to as "carriers" in this paragraph) to report the status of their business concerning freight or passenger transportation, or cause officials of the Ministry of Land, Infrastructure, Transport and Tourism to enter carriers' offices or other workplaces, the sites where their transportation machinery and equipment are located, or the transportation machinery and equipment and inspect the transportation machinery and equipment, books, documents and other objects.

- (7) To the extent necessary for the enforcement of Chapter IV (excluding Article 54, paragraph (1) and paragraph (4), Section 1, Subsection 2, Article 68, paragraph (1) and paragraph (4), and Article 71, paragraph (1) and paragraph (5)), the Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provision of a Cabinet Order, cause specified freight carriers, specified passenger carriers or specified air carriers (hereinafter simply referred to as "specified carriers" in this paragraph) to report the status of their business concerning freight or passenger transportation, or cause officials of the Ministry of Land, Infrastructure, Transport and Tourism to enter specified carriers' offices or other workplaces, the sites where their transportation machinery and equipment are located, or the transportation machinery and equipment and inspect the transportation machinery and equipment, books, documents and other objects.
- (8) To the extent necessary for the enforcement of Article 61, paragraph (1) and paragraph (4), the Minister of Economy, Trade and Industry may, pursuant to the provision of a Cabinet Order, cause consigners to report the status of their business concerning freight transportation consigned to freight carriers, or cause officials of the Ministry of Economy, Trade and Industry to enter consigners' offices or other workplaces and inspect books, documents and other objects.
- (9) To the extent necessary for the enforcement of Chapter IV, Section 1, Subsection 2 (excluding Article 61, paragraph (1) and paragraph (4)), the competent minister may, pursuant to the provision of a Cabinet Order, cause consigners to report the status of their business concerning freight transportation consigned to freight carriers, or cause officials of the competent ministry to enter consigners' offices or other workplaces and inspect books, documents and other objects.
- (10) To the extent necessary for the enforcement of Chapter V, Section 1, Subsection 1, the administrative agency with jurisdiction may, pursuant to the provision of a Cabinet Order, cause Type 1 specified construction clients, etc. or Type 2 specified construction clients, or persons who are responsible for making reports under Article 75, paragraph (5) or Article 75-2, paragraph (3) to report the matters concerning the designing and construction, or

maintenance of specified buildings, or cause officials of the agency to enter specified buildings or the construction sites thereof and inspect the specified buildings, building equipment, documents and other objects.

- (11) To the extent necessary for the enforcement of Chapter V, Section 1, Subsection 2, the Minister of Land, Infrastructure, Transport and Tourism may, pursuant to the provision of a Cabinet Order, cause residential construction clients to report the status of the business pertaining to new specified residence constructed by them, or cause officials of the Ministry of Land, Infrastructure, Transport and Tourism to enter the offices of the residential construction clients or other workplace, or new specified residences constructed by the residential construction clients or the construction sites thereof and inspect the new specified residences constructed by the residential construction clients, books, documents and other objects.
- (12) To the extent necessary for the enforcement of Chapter V, Section 2 and Section 3, the Minister of Land, Infrastructure, Transport and Tourism may cause registered building investigation bodies or registered training agencies to report the status of their business or accounting, or cause officials of the Ministry of Land, Infrastructure, Transport and Tourism to enter the offices of registered building investigation bodies or registered training agencies and inspect books, documents and other objects.
- (13) To the extent necessary for the enforcement of the preceding Chapter, the Minister of Economy, Trade and Industry may, pursuant to the provision of a Cabinet Order, cause manufacturers/importers of specified equipment to report the status of their business pertaining to the specified equipment, or cause officials of the Ministry of Economy, Trade and Industry to enter offices, factories or warehouses of manufacturers/importers of specified equipment and inspect the specified equipment, books, documents and other objects.
- (14) The officials who conduct on-site inspection pursuant to the preceding paragraphs shall carry a certification for identification and present it to any person concerned.
- (15) The authority to conduct on-site inspections under paragraphs (1) to (13) inclusive shall not be construed as being vested for criminal investigation.

(Fees)

Article 88 (1) Persons who intend to take an examination for a qualified energy manager's license, those who intend to obtain recognition under Article 9, paragraph (1), item (ii), those who intend to obtain a qualified energy manager's license by reason of having passed an examination for a qualified energy manager's license for which a designated examining body administers examination affairs, those who intend to apply for the re-issuance of a qualified energy manager's license, those who intend to participate in the training under

Article 13, paragraph (1), item (i) (excluding training provided by a designated training agency), those who intend to participate in the training under paragraph (2) of the same Article (excluding training provided by a designated training agency) or those who intend to participate in the training administered by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of Article 76-14, paragraph (1) shall pay the fee determined by a Cabinet Order in light of the actual cost.

(2) The fee paid under the preceding paragraph shall be regarded as income of the designated examining body where it is paid by the person who intends to take an examination for a qualified energy manager's license for which the designated examining body administers examination affairs, or as national revenue where it is paid by other persons.

(Special Provisions for Hearing)

Article 89 (1) Proceedings on the date of a hearing with respect to a disposition under Article 28 (including the cases where it is applied mutatis mutandis pursuant to Article 29, paragraph (4)), Article 32 (including the cases where it is applied mutatis mutandis pursuant to Article 36, paragraph (2)) or Article 49 (including the cases where it is applied mutatis mutandis pursuant to Article 76-10 and Article 76-16) shall be open to the public.

(2) The person chairing the hearing set forth in the preceding paragraph shall, upon request of any person interested in the disposition under Article 17, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993), permit such a person to participate in the proceedings for the hearing.

(Appeal against Disposition Made by Designated Examining Body)

Article 90 Any person who is dissatisfied with a disposition made by a designated examining body on the examination affairs (excluding those on the examination results) or its inaction may make a request for review to the Minister of Economy, Trade and Industry pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

(Delegation of Transitional Measures to Order)

Article 91 When enacting, revising or abolishing an order pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by that order to the extent considered reasonably necessary for the enactment, revision or abolition.

(Competent Ministers, etc.)

Article 92 (1) The competent ministers under Chapter III, Section 1 and Article 87, paragraph (3) shall be the Minister of Economy, Trade and Industry and

the ministers who have jurisdiction over the business pertaining to the factories, etc. which belong to said business operator and the chain business conducted by said business operator.

- (2) The competent ministers under Chapter IV, Section 1, Subsection 2 and Article 87, paragraph (9) shall be the Minister of Economy, Trade and Industry and the ministers who have jurisdiction over the business of said consigner.
- (3) The Prime Minister shall delegate his/her authority under this Act (or, for those under jurisdiction of the Financial Services Agency, authority excluding those specified by a Cabinet Order) to the Commissioner of the Financial Services Agency.
- (4) The authority under this Act may be delegated to the head of a local branch office pursuant to the provision of a Cabinet Order.
- (5) The Commissioner of the Financial Services Agency may, pursuant to the provision of a Cabinet Order, delegate part of his/her authority that has been delegated pursuant to the provision of paragraph (3) to the head of a Local Finance Bureau or the head of a Local Finance Branch Bureau.

Chapter VIII Penal Provisions

Article 93 A person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen:

- (i) A person who has, in violation of Article 30, paragraph (1), divulged secrets that he/she has become aware of in the course of performing his/her duty;
- (ii) A person who has violated an order of suspension of the services for inspections for verification, Building Investigations or building investigation training issued under Article 49 (including the cases where it is applied *mutatis mutandis* pursuant to Article 76-10 and Article 76-16); or
- (iii) A person who has, in violation of Article 30, paragraph (1) as applied *mutatis mutandis* pursuant to Article 51 or Article 76-10, divulged secrets that he/she has become aware of in the course of performing his/her duty.

Article 94 In the event of violation of an order of suspension of examination affairs or energy management training services issued under Article 32, paragraph (2) (including the cases where it is applied *mutatis mutandis* pursuant to Article 36, paragraph (2)), the officers or employees concerned at the designated examining body or the designated training agency that has committed the violation shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 95 A person who falls under any of the following items shall be punished

by a fine of not more than one million yen:

- (i) A person who has violated Article 7-2, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1)), Article 7-3, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1)), Article 8, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1)) or Article 13, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 18, paragraph (1) and Article 19-2, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of the same Article)); or
- (ii) A person who has violated an order issued under Article 16, paragraph (5) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1)), Article 57, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 69 and Article 71, paragraph (6)), Article 64, paragraph (3), Article 75, paragraph (4), Article 76-6, paragraph (3), Article 79, paragraph (3), or Article 81, paragraph (3).

Article 96 A person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen:

- (i) A person who has failed to make a notification under Article 7, paragraph (3), Article 19, paragraph (2), Article 46 (including the cases where it is applied mutatis mutandis pursuant to Article 76-10 and Article 76-16), Article 54, paragraph (2), Article 61, paragraph (2), Article 68, paragraph (2), Article 71, paragraph (3), Article 75, paragraph (1) or Article 75-2, paragraph (1), or made a false notification;
- (ii) A person who has failed to submit plans under Article 14, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1)), Article 55 (including the cases where it is applied mutatis mutandis pursuant to Article 69 and Article 71, paragraph (6)) or Article 62;
- (iii) A person who has failed to make reports under Article 15, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1)), Article 56, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 69 and Article 71, paragraph (6)), Article 63, paragraph (1), Article 75, paragraph (5), Article 75-2, paragraph (3) or Article 87, paragraphs (1) to (3) inclusive or paragraphs (5) to (13) inclusive, or made false reports, or has refused, obstructed or avoided an inspection under paragraphs (1) to (3) inclusive or paragraphs (5) to (13) inclusive of the same Article; or
- (iv) A person who has, in violation of Article 33, paragraph (1) as applied mutatis mutandis pursuant to Article 51, Article 76-10 or Article 76-16,

failed to keep books or state necessary matters in books or made false statements in books, or in violation of Article 33, paragraph (2) as applied mutatis mutandis pursuant to Article 51, Article 76-10 or Article 76-16, failed to preserve books.

Article 97 In any of the following cases, the officers or employees concerned at the designated examining body or the designated training agency that has committed the violation shall be punished by a fine of not more than 500,000 yen:

- (i) Where the designated examining body has abolished the whole of the examination affairs without obtaining permission under Article 25;
- (ii) Where the designated examining body or the designated training agency has, in violation of Article 33, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 36, paragraph (2)), failed to keep books or state necessary matters in books or made false statements in books, or in violation of Article 33, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 36, paragraph (2)), failed to preserve books;
- (iii) Where the designated examining body or the designated training agency has failed to make a notification under Article 37, or made a false notification; or
- (iv) Where the designated examining body or the designated training agency has failed to make reports under Article 87, paragraph (4) or made false reports, or has refused, obstructed or avoided an inspection under the same paragraph.

Article 98 When the representative of a juridical person, or the agent, employee or other worker of a juridical person or an individual has committed a violation set forth in Article 93, item (ii) or item (iii), Article 95, or Article 96 with regard to the business of the juridical person or individual, not only shall the offender be punished but the juridical person or individual shall also be punished by the fine prescribed in the respective Articles.

Article 99 A person who falls under any of the following items shall be punished by a non-penal fine of not more than 200,000 yen:

- (i) A person who has failed to make a notification under Article 7-2, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 7-3, paragraph (4) and where these provisions are applied mutatis mutandis pursuant to Article 19-2, paragraph (1)), Article 8, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 19-2, paragraph (1)) or Article 13, paragraph (3) (including the cases where it

is applied mutatis mutandis pursuant to Article 18, paragraph (1) and Article 19-2, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of the same Article), or made a false notification; or

- (ii) A person who has, in violation of Article 47 paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 76-10 and Article 76-16), failed to keep financial statements, etc., failed to state the necessary matters in the financial statements, etc. or made false statements, or refused the request made under the items of paragraph (2) of Article 47 (including the cases where it is applied mutatis mutandis pursuant to Article 76-10 and Article 76-16) without justifiable grounds.

Supplementary Provisions

(Effective Date)

- (1) This Act shall come into effect as from the day specified by a Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provision of Article 8 shall come into effect as from the date of promulgation.

(Review)

- (2) The government shall, according to the energy situation in and outside Japan and other changes in the economic and social environment, review the provisions of this Act and take necessary measures based on the review results.

(Abolition of the Heat Management Act)

- (3) The Heat Management Act (Act No. 146 of 1951) shall be abolished.

(Transitional Measures upon Abolition of the Heat Management Act)

- (4) A qualified heat manager's license granted pursuant to Article 12 of the Heat Management Act prior to the abolition by the preceding paragraph shall be deemed to be a qualified heat manager's license granted pursuant to Article 8, paragraph (1).

- (5) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Partial Revision of the Act for Establishment of the Ministry of International Trade and Industry)

- (6) Part of the Act for Establishment of the Ministry of International Trade and Industry (Act No. 275 of 1952) shall be revised as follows.

The following item shall be added following Article 36-6, item (x).

(x)-2 Matters concerning the enforcement of the Act on the Rational Use of Energy (Act No. 49 of 1979)

(Partial Revision of the Act for Establishment of the Ministry of Construction)
(7) Part of the Act for Establishment of the Ministry of Construction (Act No. 113 of 1948) shall be revised as follows.

In Article 3, item (xxii)-6 shall be moved and placed as item (xxii)-7, items (xxii)-2 to (xxii)-5 shall be moved forward by one item respectively, and the following item shall be added following item (xxii).

(xxii)-2 Administer the affairs concerning the enforcement of the Act on the Rational Use of Energy (Act No. 49 of 1979).

In Article 4, paragraph (3), the phrase "items (xxii)-2 to (xxii)-5" shall be revised as "items (xxii)-3 to (xxii)-6"; in paragraph (7) of the same Article, the phrase "the affairs prescribed in item (xix) of the same Article, the affairs prescribed in item (xx) of the same Article, [the affairs prescribed in] items (xxi), item (xxii), item (xxii)-6...of the same Article" shall be revised as "[the affairs prescribed in] items (xix) to (xxii)-2, item (xxii)-7...of the same Article."

**Supplementary Provisions [Extract from Act No. 83 of December 10, 1983]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the date of promulgation; provided, however, that the provisions listed in the following items shall come into effect as from the dates prescribed in the respective items.

(i) to (iv) Omitted

(v) The provisions of Article 25, Article 26, Articles 28 to 30, Article 33, and Article 35, the provisions of Article 36 (excluding the provision to revise Article 54 of the Electricity Business Act; hereinafter the same shall apply in Article 8 (excluding paragraph (3)) of the Supplementary Provisions), the provisions of Article 37, Article 39, and Article 43, and the provisions of Article 8 (excluding paragraph (3)) of the Supplementary Provisions: the day specified by a Cabinet Order within a period not exceeding three months from the date of promulgation.

(Transitional Measures Concerning Other Dispositions, Applications, etc.)

Article 14 With respect to dispositions to grant licenses or permission, etc. and other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article and Article 16), pursuant to the

respective Acts prior to the revision (hereinafter referred to as "dispositions and other acts" in this Article) or applications for licenses or permission, etc. and other acts conducted, prior to the enforcement of this Act, pursuant to the respective Acts prior to the revision (hereinafter referred to as "applications and other acts" in this Article), if administrative affairs pertaining to these acts come under the jurisdiction of different persons on the date of enforcement of this Act, these acts, except those prescribed in Article 2 to the preceding Article in the Supplementary Provisions or in the provisions of the respective revised Acts (including orders issued thereunder) concerning transitional measures, shall be deemed, with regard to the application of the respective revised Acts after the date of enforcement of this Act, as dispositions and other acts or applications and other acts conducted pursuant to the relevant provisions of the respective revised Acts.

(Transitional Measures Concerning Penal Provisions)

Article 16 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of Article 17, Article 22, Article 36, Article 37 or Article 39 in the cases where the provisions then in force shall remain applicable pursuant to Article 3, Article 5, paragraph (5), Article 8, paragraph (2), Article 9 or Article 10 of the Supplementary Provisions, the provisions then in force shall remain applicable.

**Supplementary Provisions [Extract from Act No. 17 of March 31, 1993]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from April 1, 1993; provided, however, that the provision of Article 1 (excluding the provision to revise the table of contents of the Act on the Rational Use of Energy (limited to the part revising the phrase "Chapter IV Measures Pertaining to Machinery and Equipment (Articles 17 to 21)" to "Chapter IV Measures Pertaining to Machinery and Equipment Chapter IV-2 Business for Rational Use of Energy by the New Energy and Industrial Technology Development Organization (Article 21-2 and Article 21-3)") and the provision to revise the same Act by adding one chapter following Chapter IV) and the provision of Article 8 of the Supplementary Provisions shall come into effect as from the day specified by a Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to any acts

committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

**Supplementary Provisions [Extract from Act No. 89 of November 12, 1993]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Dispositions Following Appeal, etc.)

Article 2 Where, prior to the enforcement of this Act, an appeal or other request has been filed or made under laws and regulations to a council or any other panel to require that procedures equivalent to the procedures to hold hearings or grant the opportunity for explanation and other procedures to hear statements of opinions prescribed in Article 13 of the Administrative Procedure Act should be implemented, with regard to the procedures to make adverse dispositions pertaining to the appeal or request, the provisions then in force shall remain applicable notwithstanding the provisions of the relevant Acts revised by this Act.

(Transitional Measures Concerning Penal Provisions)

Article 13 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, provisions then in force shall remain applicable.

(Transitional Measures upon Arrangement of Provisions on Hearings)

Article 14 Procedures for hearings (excluding those concerning adverse dispositions) implemented under Acts prior to the enforcement of this Act or procedures incidental thereto shall be deemed to have been implemented under the relevant provisions of respective Acts revised by this Act.

(Delegation to Cabinet Order)

Article 15 In addition to what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

**Supplementary Provisions [Extract from Act No. 33 of April 9, 1997]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the date of promulgation.

(Transitional Measures upon Partial Revision of the Act on the Rational Use of Energy)

Article 9 With regard to the notification of an appointment, death or dismissal of a Type 1 Energy Manager prior to the enforcement of Article 8, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 17 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions of this Act, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 18 In addition to what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

Supplementary Provisions [Extract from Act No. 96 of June 5, 1998]

(Effective Date)

Article 1 This Act shall come into effect as from the day specified by a Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures Concerning Designation of Factories)

Article 2 Factories that have been designated, prior to the enforcement of this Act, pursuant to Article 6, paragraph (1) of the Act on the Rational Use of Energy prior to the revision (hereinafter referred to as the "Old Act") shall be deemed to have been designated pursuant to Article 6, paragraph (1) of the Act on the Rational Use of Energy after the revision (hereinafter referred to as the "New Act").

(Effect of Dispositions, etc.)

Article 3 In addition to what is provided for in the preceding Article, any dispositions, procedures or other acts conducted pursuant to the provisions of the Old Act shall be deemed to have been conducted under the relevant provisions of the New Act.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Supplementary Provisions [Extract from Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Article 2 and Article 3) shall come into effect as from January 6, 2001.

Supplementary Provisions [Extract from Act No. 59 of June 7, 2002]

(Effective Date)

Article 1 This Act shall come into effect as from the day specified by a Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures Concerning Reports)

Article 2 With regard to reports that have been requested under Article 25, paragraph (4) of the Act on the Rational Use of Energy prior to the revision by this Act but not yet made prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 3 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the preceding Article, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

Supplementary Provisions [Extract from Act No. 145 of December 11, 2002] [Extract]

(Effective Date)

Article 1 This Act shall come into effect as from the date of promulgation;

provided, however, that the provisions of Articles 15 to 19, Article 26, and Article 27, and the provisions of Articles 6 to 34 of the Supplementary Provisions shall come into effect as from October 1, 2003.

(Transitional Measures Concerning Penal Provisions)

Article 34 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the proviso of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article) as well as any acts committed after the enforcement of this Act with respect to the matters for which the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 35 In addition to what is provided for in the Supplementary Provisions, any necessary transitional measures upon the establishment of the NEDO and any other necessary measures for the enforcement of this Act shall be specified by a Cabinet Order.

**Supplementary Provisions [Extract from Act No. 61 of June 17, 2005]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from April 1, 2006; provided, however, that the provision of Article 3 of the Supplementary Provisions shall come into effect as from January 1, 2006.

**Supplementary Provisions [Extract from Act No. 87 of July 26, 2005]
[Extract]**

This Act shall come into effect as from the date of enforcement of the Companies Act.

**Supplementary Provisions [Extract from Act No. 93 of August 10, 2005]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from April 1, 2006; provided, however, that the provision of Article 16 of the Supplementary Provisions shall come into effect as from the date of promulgation of this Act or the date of promulgation of the Act for Partial Revision of the Act on Promotion of

Measures to Cope with Global Warming (Act No. 61 of 2005), whichever comes later.

(Transitional Measures Concerning Appointment of Type 1 Energy Manager)

Article 2 With regard to the application of the provision of Article 8, paragraph (1) of the Act on the Rational Use of Energy revised by this Act (hereinafter referred to as the "New Act") to Type 1 specified business operators prescribed in Article 7, paragraph (3) of the New Act, for the period until March 31, 2011, the phrase "from among persons who have a qualified energy manager's license" in Article 8, paragraph (1) of the New Act shall be deemed to be replaced with "from among persons who have a qualified energy manager's license or persons specified by a Cabinet Order in accordance with the standards established by a Cabinet Order."

(Special Provisions Concerning Qualified Heat Manager's License and Qualified Electricity Manager's License)

Article 3 Persons who have, prior to the enforcement of this Act, obtained a qualified heat manager's license pursuant to Article 8, paragraph (1) of the Act on the Rational Use of Energy prior to the revision by this Act (hereinafter referred to as the "Old Act") and also obtained a qualified electricity manager's license pursuant to the same paragraph shall be deemed to have obtained a qualified energy manager's license pursuant to Article 9, paragraph (1) of the New Act.

(Special Provisions Concerning Examination for Qualified Energy Manager's License)

Article 4 In an examination for a qualified Energy manager's license prescribed in Article 10, paragraph (1) of the New Act, persons who have obtained, prior to the enforcement of this Act, a qualified heat manager's license or qualified electricity manager's license pursuant to Article 8, paragraph (1) of the Old Act shall be exempted from some subjects of the examination pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(Transitional Measures Concerning Appointment of Type 1 Energy Manager)

Article 5 (1) With regard to the application of the provision of Article 13, paragraph (1) of the New Act to Type 1 designated business operators prescribed in Article 8, paragraph (1) of the New Act (hereinafter referred to as "Type 1 designated business operators"), for the period until March 31, 2009, the phrase "from among the following persons" in Article 13, paragraph (1) of the New Act shall be deemed to be replaced with "from among the following persons or persons specified by an Ordinance of the Ministry of Economy,

Trade and Industry."

(2) The provision of the preceding paragraph shall apply mutatis mutandis to Type 2 specified business operators prescribed in Article 17, paragraph (3) of the New Act. In this case, the phrase "Article 13, paragraph (1)" in the same paragraph shall be deemed to be replaced with "Article 13, paragraph (1) of the New Act as applied mutatis mutandis pursuant to Article 18, paragraph (1)."

(Transitional Measures Concerning Participation in Preparing Medium- and Long-Term Plans)

Article 6 With regard to the application of the provision of Article 14, paragraph (2) of the New Act to Type 1 designated business operators, for the period until March 31, 2011, the phrase "persons who have a qualified energy manager's license" in the same paragraph shall be deemed to be replaced with "persons who have a qualified energy manager's license or persons who have obtained, prior to the enforcement of the Act for Partial Revision of the Act on the Rational Use of Energy (Act No. 93 of 2005), a qualified heat manager's license and a qualified electricity manager's license under Article 8, paragraph (1) of the Act on the Rational Use of Energy prior to the revision by the Act for Partial Revision."

(Transitional Measures Concerning Consigners)

Article 7 The provisions of Articles 61 to 64 of the New Act (including the penal provisions relating to these provisions) shall not apply until March 31, 2007.

(Transitional Measures Concerning Notification of Buildings)

Article 8 A person who has made a notification pursuant to Article 15-2, paragraph (1) of the Old Act prior to the enforcement of this Act shall be deemed, with regard to the application of the provision of Article 75, paragraph (4) of the New Act, to have made a notification pursuant to Article 75, paragraph (1) of the New Act.

(Transitional Measures Concerning Rationalization Plans)

Article 9 With regard to the instructions given under Article 12, paragraph (2) and paragraph (3) of the Old Act to the Type 1 specified business operators that have received instructions under paragraph (1) of the same Article prior to the enforcement of this Act, the publication made under paragraph (4) of the same Article, the order issued under paragraph (5) of the same Article, as well as the reports and on-site inspections under Article 25, paragraph (2) pertaining to such instructions, publication and order, the provisions then in force shall remain applicable.

(Effect of Dispositions, etc.)

Article 10 Any dispositions, procedures or other acts conducted pursuant to the provisions of the Old Act shall be deemed to have been conducted under the relevant provisions of the New Act, except those otherwise provided for by the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 11 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 12 In addition to what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

(Review)

Article 13 When five years have elapsed since the enforcement of this Act, the government shall, while taking into account the status of enforcement of the New Act, review the provisions of the New Act and take any necessary measures based on the review where it finds it necessary.

**Supplementary Provisions [Extract from Act No. 50 of June 2, 2006]
[Extract]**

(Effective Date)

(1) This Act shall come into effect as from the date of enforcement of the Act on General Associations and Foundations.

(Adjustment Provisions)

(2) Where the date of enforcement of the Act for Partial Revision of the Penal Code, etc. to Respond to Increase in International and Organized Crimes and Advancement of Information Processing (Act No. of 2006) comes after the Date of Enforcement, with regard to the application of the provisions of item 62 of the Appended Table of the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters (Act No. 136 of 1999; hereinafter referred to as the "Anti-Organized Crime Act" in the following paragraph) for the period from the Date of Enforcement until the day preceding the date of enforcement of the same Act for Partial Revision, the phrase "crime under Article 157 of the

Intermediate Corporation Act (Act No. 49 of 2001) (Special Breach of Trust by Directors, etc.)" in item (lxii) shall be replaced with "crime under Article 334 of the Act on General Associations and Foundations (Act No. 48 of 2006) (Special Breach of Trust by Directors, etc.)."

- (3) In addition to what is provided for in the preceding paragraph, in the case referred to in the same paragraph, with regard to the application of the provisions of the Anti-Organized Crime Act for the period until the day preceding the date of enforcement of the Act for Partial Revision of the Penal Code, etc. to Respond to Increase in International and Organized Crimes and Advancement of Information Processing, the crime under Article 157 of the old Intermediate Corporation Act (Special Breach of Trust by Directors, etc.) in the cases where the provisions then in force shall remain applicable or remain in force pursuant to Article 457 shall be deemed to be the crime listed in item (lxii) of the Appended Table of the Anti-Organized Crime Act.

**Supplementary Provisions [Extract from Act No. 47 of May 30, 2008]
[Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from April 1, 2009; provided, however, that the provision of Article 5 of the Supplementary Provisions shall come into effect as from the date of promulgation of this Act, and the provisions of Article 2 and the following Article and the provisions of Article 3, Article 8 and Article 9 of the Supplementary Provisions shall come into effect as from April 1, 2010.

(Transitional Measures upon Revision under the Provision of Article 2)

Article 2 With regard to the application of the provision of Article 8, paragraph (1) of the Act on the Rational Use of Energy revised under the provision of Article 2 (hereinafter referred to as the "Act revised under Article 2") to Type 1 specified business operators prescribed in Article 7-4, paragraph (2) of the Act revised under Article 2, for the period until March 31, 2011, the phrase "from among persons who have a qualified energy manager's license" in Article 8, paragraph (1) of the same Act shall be deemed to be replaced with "from among persons who have a qualified energy manager's license or persons specified by a Cabinet Order in accordance with the standards established by a Cabinet Order."

(Transitional Measures Concerning Specified Buildings)

Article 3 A person who has made, prior to the enforcement of the provision of Article 2, a notification pursuant to Article 75, paragraph (1) of the Act on the Rational Use of Energy prior to the revision under the provision of Article 2

shall be deemed to have made a notification pursuant to Article 75, paragraph (1) or Article 75-2, paragraph (1) of the Act revised under Article 2, pursuant to the provision of a Cabinet Order.

(Transitional Measures Concerning Penal Provisions)

Article 4 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 5 In addition to what is provided for in the preceding three Articles, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

(Reviews)

Article 6 When five years have elapsed since the enforcement of this Act, the government shall, while taking into account the status of enforcement of the Act on the Rational Use of Energy revised by this Act (hereinafter referred to as the "New Act"), review the provisions of the New Act and take any necessary measures based on the review where it finds it necessary.