

Electricity Business Act (Act No. 35 of June 12, 2013: a comparison of the prior and amended article provisions, Act No. 35 of 2013 unenforced, Act No. 74 of 2013 partly unenforced)

(Act No. 170 of July 11, 1964)

Table of Contents

Part I General Provisions (Articles 1 and 2)

Part II Electricity Business

Chapter I Business Licenses, etc. (Articles 3 to 17)

Chapter II Services

Section 1 Supply (Articles 18 to 27)

Section 2 Operations Covering an Extensive Area

Subsection 1 Cooperation among Electricity Utilities (Article 28)

Subsection 2 Notification of Wholesale Suppliers, etc. (Articles 28-2 and 28-3)

Subsection 3 Organization Promoting Operations Covering an Extensive Area

Division 1 General Provisions (Articles 28-4 to 28-9)

Division 2 Members (Articles 28-11 to 28-12)

Division 3 Establishment (Articles 28-13 to 28-17)

Division 4 Management (Articles 28-18 to 28-30)

Division 5 General Meetings (Articles 28-31 to 28-39)

Division 6 Operations (Articles 28-40 to 28-46)

Division 7 Finance and Accounting (Articles 28-47 to 28-50)

Division 8 Supervision (Article 28-51)

Division 9 Miscellaneous Provisions (Articles 28-52)

Subsection 4 Supply Plans (Article 29)

Section 3 Supervision (Articles 30 to 33)

Chapter III Accounting and Finance (Articles 34 to 37)

Part III Electric Facilities

Chapter I Definitions (Articles 38)

Chapter II Electric Facilities for Business Use

Section 1 Conformity to Technical Standards (Articles 39 to 41)

Section 2 Independent Safety Measures (Articles 42 to 46)

Section 3 Special Provisions Concerning Environmental Impact Assessment (Articles 46-2 to 46-23)

Section 4 Construction Plans and Inspections (Articles 47 to 55)

Section 5 Succession (Article 55-2)

Chapter III Electric Facilities for General Use (Articles 56 to 57-2)

Part IV Use of Land, etc. (Articles 58 to 66)

Part V Registered Safety Management Examination Bodies, Designated Examining Bodies, and Registered Investigation Bodies

Chapter I Registered Safety Management Examination Bodies (Articles 67 to 80)

Chapter II Designated Examining Body (Articles 81 to 88)

Chapter III Registered Investigation Bodies (Articles 89 to 99)

Part VI Miscellaneous Provisions (Articles 100 to 114)

Part VII Penal Provisions (Articles 115 to 123)

Supplementary Provisions

Part I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the interests of electricity users and move toward achieving the sound development of Electricity Business by realizing appropriate and reasonable management of Electricity Business, and assuring public safety and promoting environmental preservation by regulating the construction, maintenance and operation of Electric Facilities.

(Definitions)

Article 2 (1) In this Act, the meanings of the terms listed in the following items are as provided for by each respective item:

- (i) General Electricity Business: The business of supplying electricity to meet general demand;
- (ii) General Electricity Utility: A person who has obtained a license under paragraph (1) of the following Article to conduct General Electricity Business;
- (iii) Wholesale Electricity Business: The business of supplying a General Electric Utility with electricity to be used for General Electricity Business for which the Electric Facilities that satisfy the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry are used;
- (iv) Wholesale Electricity Utility: A person who has obtained a license under paragraph (1) of the following Article to conduct Wholesale Electricity Business;
- (v) Specified Electricity Business: The business of supplying electricity to meet demand at a specified service point;
- (vi) Specified Electricity Utility: Person who has obtained a license under paragraph (1) of the following Article to conduct Specified Electricity Business;

- (vii) Specified-Scale Electricity Business: The business of supplying electricity (excluding, however, business supplying electricity prescribed in Article 17, paragraph (1), item (i), and business conducted under a license set forth in said paragraph) to meet a certain scale of demand from electricity users that satisfies the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as "Specified-Scale Demand"), which are conducted by a General Electric Utility to meet a Specified-Scale Demand in an area other than its service area via electric lines maintained and operated by another General Electric Utility, or conducted by a person other than a General Electric Utility;
- (viii) Specified-Scale Electricity Utility: A person who has given notification pursuant to Article 16-2, paragraph (1) of conducting Specified-Scale Electricity Business;
- (ix) Electricity Business: General Electricity Business, Wholesale Electricity Business, Specified Electricity Business and Specified-Scale Electricity Business;
- (x) Electricity Utility: General Electric Utility, Wholesale Electricity Utility, Specified Electricity Utility and Specified-Scale Electricity Utility;
- (xi) Wholesale Supply: A supply of electricity to a General Electric Utility to be used for General Electricity Business (excluding a supply through a Cross-Area Wheeling Service), which is specified by Ordinance of the Ministry of Economy, Trade and Industry;
- (xii) Wholesale Supplier: A person who provides a Wholesale Supply (excluding General Electric Utility and Wholesale Electricity Utility);
- (xiii) Cross-Area Wheeling Service: A service pursuant to which a person receives electricity from another person and simultaneously supplies said other person with the same quantity of electricity as that received, at a point other than the place where said person originally received said electricity;
- (xiv) Intra-Area Wheeling Service: Any of the following services:
 - (a) service pursuant to which a General Electric Utility receives electricity from another person engaged in Specified Electricity Business, and in proportion to fluctuations in the quantity of electricity used for Specified Electricity Business conducted by such other person, simultaneously supplies such other person with electricity at a point within its service area other than the place where the General Electric Utility received such electricity;
 - (b) service pursuant to which a General Electric Utility receives electricity from another person engaged in Specified-Scale Electricity Business, and simultaneously supplies such other person with electricity in a quantity equivalent to the quantity of electricity used for Specified-Scale Electricity Business conducted by such other person at a point within its service area

- other than the place where the General Electric Utility received such electricity (excluding any service point where a Specified Electricity Utility has commenced Specified Electricity Business under a license set forth in paragraph (1) of the following Article or with permission under Article 8, paragraph (1) (if notification of change has been given pursuant to Article 8, paragraph (3), the new service point after such change; hereinafter referred to in Articles 18 and 25 as a "Point of Business Commencement"));
- (c) service pursuant to which a General Electric Utility receives electricity from another person equipped with Electric Facilities for generation of electricity other than Electric Facilities to be used for Electricity Business (hereinafter referred to in this item (c) as "Electric Facilities for Non-Electricity Business"), where such electricity received by the General Electric Utility is generated by such Electric Facilities for Non-Electricity Business (including Electric Facilities for Non-Electricity Business installed by any person who has a close association with such other person, as specified by Ordinance of the Ministry of Economy, Trade and Industry), and simultaneously supplies such other person with electricity in the quantity requested from such General Electric Utility in advance by such other person (limited to the quantity meeting Specified-Scale Demand from such other person or any person who has a close association with such other person, as specified by Ordinance of the Ministry of Economy, Trade and Industry) at a point within the General Electric Utility's service area other than the place where it received such electricity;
- (xv) Wheeling Service: Cross-Area Wheeling Service and Intra-Area Wheeling Service;
- (xvi) Electric Facilities: Machines, apparatus, dams, waterways, reservoirs, electric lines, and other facilities installed for the purpose of generating, transforming, transmitting or distributing, or using electricity (excluding, however, those installed in ships, vehicles or aircraft, and those specified by Cabinet Order).
- (2) When a General Electric Utility conducts any of the following business, such business is deemed to be General Electricity Business:
- (i) the business of supplying another General Electric Utility with electricity to be used for its General Electricity Business;
- (ii) the business of supplying a Specified Electricity Utility which has a service point within the General Electric Utility's service area with electricity to be used for the Specified Electricity Business conducted thereby;
- (iii) the business of providing a Wheeling Service prescribed in Article 24-3, paragraph (1) (excluding business falling under the business prescribed in the preceding two items).
- (3) Business conducted by a Wholesale Electricity Utility of supplying a General

Electric Utility with electricity to be used for its General Electricity Business is deemed to be Wholesale Electricity Business.

Part II Electricity Business

Chapter I Business Licenses, etc.

(Business Licenses)

- Article 3 (1) A person who intends to conduct Electricity Business (excluding Specified-Scale Electricity Business; hereinafter the same applies in this Chapter (except for Article 5, item (vii) and Article 17, paragraph (1))) must obtain a license from the Minister of Economy, Trade and Industry.
- (2) The license set forth in the preceding paragraph is granted by business category, for each of General Electricity Business, Wholesale Electricity Business, or Specified Electricity Business respectively.

(Application for a License)

- Article 4 (1) A person who intends to obtain a license under paragraph (1) of the preceding Article must submit a written application to the Minister of Economy, Trade and Industry, stating:
- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
 - (ii) the service area, the General Electricity Utilities to which electricity is to be supplied or the service points;
 - (iii) the following particulars concerning the Electric Facilities to be used for Electricity Business:
 - (a) regarding Electric Facilities for the generation of electricity, the site where they are to be installed, the type of motive power, frequency, and output capacity;
 - (b) regarding Electric Facilities for the transformation of electricity, the site where they are to be installed, frequency, and output capacity;
 - (c) regarding Electric Facilities for the transmission of electricity, the site where they are to be installed, the electric system, installation means, number of circuits, frequency, and voltage;
 - (d) regarding Electric Facilities for the distribution of electricity, the electric system, frequency, and voltage.
- (2) The written application set forth in the preceding paragraph must be accompanied by a business plan, estimate of business income and expenditure, and other documents specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Standards for Licenses)

Article 5 The Minister of Economy, Trade and Industry must not grant a license under Article 3, paragraph (1) unless said minister finds that the application for the license under said paragraph conforms to all of the following items;

- (i) the commencement of Electricity Business corresponds to general demand, demand for General Electricity Business or demand at the service point;
- (ii) the applicant has sufficient financial base and technical capability to perform Electricity Business properly;
- (iii) the Electricity Business is based on a reliable plan;
- (iv) if the Electricity Business is General Electricity Business or Specified Electricity Business, the Electric Facilities to be used for the business are capable of meeting electricity demands in the service area or at the service point;
- (v) if the Electricity Business is General Electricity Business, the commencement of the business will not result in the existence of an excessive number of Electric Facilities to be used for General Electricity Business within all of or a part of the service area;
- (vi) if the Electricity Business is Specified Electricity Business, and the service point is located within the service area of a General Electric Utility, there is no risk of harm to the interests of electricity users within the General Electric Utility's service area as a result of the commencement of the business;
- (vii) in addition to what is listed in the preceding items, if the Electricity Business is General Electricity Business or Wholesale Electricity Business, the commencement of the business is necessary and appropriate for the comprehensive and reasonable development of Electricity Business and for the promotion of other public interests; if it is Specified Electricity Business, the commencement of the business is appropriate in light of public interest.

(License Certificate)

Article 6 (1) The Minister of Economy, Trade and Industry, when having granted a license under Article 3, paragraph (1), issues a license certificate.

(2) The license certificate must state:

- (i) the date of granting of the license and the license number;
- (ii) the name and address of the licensee;
- (iii) the service area, the General Electricity Utilities to which electricity is to be supplied or the service points;
- (iv) the following particulars concerning the Electric Facilities to be used for the Electricity Business:
 - (a) regarding Electric Facilities for generation of electricity, the site where they are installed, the type of motive power, frequency and output capacity;

- (b) regarding Electric Facilities for transformation of electricity, the site where they are installed, frequency and output capacity;
- (c) regarding Electric Facilities for the transmission of electricity, the site where they are installed, the electric system, installation means, number of circuits, frequency and voltage;
- (d) regarding Electric Facilities for the distribution of electricity, the electric system, frequency and voltage.

(Obligation to Commence Business)

- Article 7 (1) Electricity Utilities (excluding a Specified-Scale Electricity Utility; hereinafter the same applies in this Chapter) must commence business within the period designated by the Minister of Economy, Trade and Industry, but not exceeding ten years (or three years in the case of a Specified Electricity Utility) from the day when the Electricity Utility has obtained a business license.
- (2) The Minister of Economy, Trade and Industry may, when said minister finds it particularly necessary, designate the period set forth in the preceding paragraph by category of service area, General Electric Utility to which electricity is to be supplied or service point.
 - (3) If the Minister of Economy, Trade and Industry has received an application from an Electricity Utility, said minister may, if they find justifiable grounds for doing so, extend the period designated under paragraph (1).
 - (4) Electricity Utilities must, when having commenced business (if the designation set forth in paragraph (1) has been made by service area category, the General Electric Utility to which electricity is to be supplied or the service point pursuant to paragraph (2), the business corresponding to said category), notify the Minister of Economy, Trade and Industry to that effect without delay.

(Change of Service Area, etc.)

- Article 8 (1) Electricity Utilities must, when intending to change the particulars listed in Article 6, paragraph (2), item (iii), obtain permission from the Minister of Economy, Trade and Industry; provided, however, that this does not apply when a Specified Electricity Utility intends to make a minor change specified by Ordinance of the Ministry of Economy, Trade and Industry with respect to its service point.
- (2) The provisions of Article 5 apply mutatis mutandis to the permission set forth in the preceding paragraph.
 - (3) Specified Electricity Utilities must, when intending to make a minor change specified by Ordinance of the Ministry of Economy, Trade and Industry under the proviso of paragraph (1), notify the Minister of Economy, Trade and Industry to that effect pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

- (4) Specified Electricity Utilities that has given notification pursuant to the preceding paragraph must not make the change to which such notification pertained until 20 days have elapsed from the day when said notification was received.
- (5) The Minister of Economy, Trade and Industry may, when they find that the content of the notification given under paragraph (3) conforms to all of the items of Article 5 (excluding item (v); the same applies in the following paragraph), shorten the period prescribed in the preceding paragraph.
- (6) When the Minister of Economy, Trade and Industry finds that the content of the notification given under paragraph (3) fails to conform to any of the items of Article 5, they may, within 20 days from the day when the notification was received, order the Specified Electricity Utility that has given the notification to change the content of the notification or suspend its performance of the Specified Electricity Business to which such notification pertained.
- (7) The provisions of the preceding Article apply mutatis mutandis to the cases referred to in paragraph (1) and paragraph (3) (excluding, however cases of reducing the service area, the number of General Electricity Utilities to which electricity is to be supplied or the number of service points).

(Changes of Electric Facilities, etc.)

- Article 9 (1) Electricity Utilities must, when intending to make a material change specified by Ordinance of the Ministry of Economy, Trade and Industry with respect to the particulars listed in Article 6, paragraph (2), item (iv), notify the Minister of Economy, Trade and Industry of said change.
- (2) If there has been a change to the particulars listed in Article 6, paragraph (2), item (ii) or the particulars listed in item (iv) of said paragraph (excluding, however, those prescribed in the preceding paragraph), an Electricity Utility must notify the Minister of Economy, Trade and Industry to that effect without delay.
 - (3) Electricity Utilities that have given notification pursuant to paragraph (1) must not make the change to which such notification pertained until 20 days have elapsed from the day when the notification was received.
 - (4) The Minister of Economy, Trade and Industry may, when they find that the content of the notification given under paragraph (1) is unlikely to hinder the proper performance of Electricity Business by the Electricity Utility that has given notification, shorten the period prescribed in the preceding paragraph.
 - (5) When the Minister of Economy, Trade and Industry finds that the content of the notification given under paragraph (1) is likely to hinder the proper performance of Electricity Business by the Electricity Utility that has given notification, said minister may, within 20 days from the day when the notification was received, order the Electricity Utility to change the contents of

the notification or suspend its performance of Electricity Business to which such notification pertained.

(Transfer and Acceptance of Business, and Corporation Mergers and Splits)

- Article 10 (1) The transfer and acceptance of all of Electricity Business are not effective unless approved by the Minister of Economy, Trade and Industry.
- (2) Mergers and splits of corporations acting as an Electricity Utility (limited, however, to those resulting in the taking over of all of Electricity Business; hereinafter the same applies in paragraph (1) of the following Article) are not effective unless approved by the Minister of Economy, Trade and Industry.
- (3) The provisions of Article 5 apply mutatis mutandis to the approval set forth in the preceding two paragraphs.

(Succession)

- Article 11 (1) In the event of the transfer of all of Electricity Business, or the inheritance, merging or split of an Electricity Utility, the transferee of all of Electricity Business, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation who has taken over all of Electricity Business upon such a split succeeds to the status of the Electricity Utility.
- (2) The heir who has succeeded to the status of an Electricity Utility pursuant to the preceding paragraph must notify the Minister of Economy, Trade and Industry to that effect without delay.

Article 12 Deleted

(Transfer of Facilities, etc.)

- Article 13 (1) Electricity Utilities (excluding a Specified Electricity Utility; hereinafter the same applies in this Article) must, when intending to transfer facilities used for its Electricity Business or make them subject to any rights other than ownership, notify the Minister of Economy, Trade and Industry to that effect; provided, however, that this does not apply to facilities specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The provisions of Article 9, paragraphs (3) to (5) apply mutatis mutandis to the notification set forth in the preceding paragraph. In this case, the phrase "make the change" in paragraph (3) of said Article is deemed to be replaced with "transfer the facilities or make them subject to any rights other than ownership," the phrase "the content of the notification" in paragraph (4) of said Article is deemed to be replaced with "the transfer of the facilities to which the notification pertained or making them subject to any rights other than ownership (hereinafter referred to as Transfer of Facilities, etc. in the

following paragraph)" and the phrase "the content of the notification" in paragraph (5) of said Article is deemed to be replaced with "the Transfer of Facilities, etc." respectively.

(Suspension and Discontinuation of Business, and Dissolution of Corporations)

- Article 14 (1) Electricity Utilities must, when intending to suspend or discontinue all of or a part of its Electricity Business, obtain permission from the Minister of Economy, Trade and Industry.
- (2) A resolution for the dissolution of a corporation acting as an Electricity Utility or consent thereto by all its members is not effective unless approved by the Minister of Economy, Trade and Industry.
- (3) The Minister of Economy, Trade and Industry must not grant permission under paragraph (1) or approval under the preceding paragraph unless they find that there is no risk of harm to the public interest as a result of the suspension or discontinuation of Electricity Business or dissolution of the corporation.

(Rescission of Business Licenses, etc.)

- Article 15 (1) If an Electricity Utility does not commence its business within the period designated under Article 7, paragraph (1) (if the period has been extended under paragraph (3) of said Article, the extended period; hereinafter the same applies), the Minister of Economy, Trade and Industry may rescind the license granted under Article 3, paragraph (1).
- (2) In addition to the case prescribed in the preceding paragraph, if an Electricity Utility has violated this Act or any order issued under this Act, the Minister of Economy, Trade and Industry may, when they find such violation harmful to the public interest, rescind the license granted under Article 3, paragraph (1).
- (3) In addition to the cases prescribed in the preceding two paragraphs, if the Electric Facilities used for Wholesale Electricity Business by a Wholesale Electricity Utility have ceased to satisfy the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry under Article 2, paragraph (1), item (iii), the Minister of Economy, Trade and Industry may, when they find that the facilities will never satisfy such requirements, rescind the license granted under Article 3, paragraph (1).
- (4) In addition to the cases prescribed in paragraph (1) or paragraph (2), the Minister of Economy, Trade and Industry may, when they find that a Specified Electricity Utility falls under any of the following items, rescind the license granted under Article 3, paragraph (1) or reduce the number of service points:
- (i) the Specified Electricity Utility has ceased to have sufficient financial basis and technical capability to perform Specified Electricity Business properly;
 - (ii) the Electric Facilities used for Specified Electricity Business have ceased to

- be capable of meeting the electricity demand at the service point;
- (iii) except in the cases prescribed in the preceding two items, Specified Electricity Business has become harmful to the public interest.
- (5) The Minister of Economy, Trade and Industry must, when having rescinded the license pursuant to any of the preceding paragraphs, provide a written explanation of the reasons for rescission to the Electricity Utility.

Article 16 (1) If an Electricity Utility that has obtained permission under Article 8, paragraph (1) does not commence its business within the period designated under Article 7, paragraph (1) as applied mutatis mutandis pursuant to Article 8, paragraph (7), in the new service area, with the General Electric Utility to which electricity is to be newly supplied or at the new service point, the Minister of Economy, Trade and Industry may rescind said permission.

(2) If a Specified Electricity Utility that has given notification under Article 8, paragraph (3) (limited, however, to notification so as to increase the number of service points) does not commence its business within the period designated under Article 7, paragraph (1) as applied mutatis mutandis pursuant to Article 8, paragraph (7) at the new service point, the Minister of Economy, Trade and Industry may reduce the number of service points.

(3) If a General Electric Utility does not conduct General Electricity Business in part of its service area, the Minister of Economy, Trade and Industry may, if finding it harmful to the public interest, reduce said service area to the extent of said part.

(4) If a Specified Electricity Utility does not conduct Specified Electricity Business at any of its service points, the Minister of Economy, Trade and Industry may, if finding it harmful to the public interest, reduce the number of service points.

(5) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the cases referred to in the preceding paragraphs.

(Notification of Specified-Scale Electricity Business)

Article 16-2 (1) A person other than a General Electric Utility must, when intending to conduct Specified-Scale Electricity Business, notify the Minister of Economy, Trade and Industry to that effect pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, with a document stating the person's name and address as well as the particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(2) Specified-Scale Electricity Utilities must, when intending to change the particulars set forth in the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect.

(3) Specified-Scale Electricity Utilities must, when having discontinued its

business, notify the Minister of Economy, Trade and Industry to that effect without delay.

(Notification of Electric Lines by Specified-Scale Electricity Utilities)

- Article 16-3 (1) Specified-Scale Electricity Utilities must, when conducting Specified-Scale Electricity Business via the electric lines that the Specified-Scale Electricity Utility independently maintains and operates, notify the Minister of Economy, Trade and Industry, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, of the particulars concerning each electric line and the place where electricity is to be supplied via the electric line (hereinafter referred to as "Place of Supply" in this Article), which are specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The notification given under the preceding paragraph must be accompanied by documents specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The Specified-Scale Electricity Utility that has given notification under paragraph (1) must not conduct Specified-Scale Electricity Business via the electric lines to which the notification pertained until 20 days have elapsed from the day when said notification was received.
- (4) The Minister of Economy, Trade and Industry may, when finding that Specified-Scale Electricity Business to be conducted via the electric lines to which the notification given under paragraph (1) pertained is unlikely to cause significant harm to the interests of electricity users in the service area of a General Electric Utility that covers the Place of Supply to which the notification pertained, shorten the period prescribed in the preceding paragraph.
- (5) When the Minister of Economy, Trade and Industry finds that Specified-Scale Electricity Business to be conducted via the electric lines to which the notification given under paragraph (1) pertained is likely to cause significant harm to the interests of electricity users in the service area of the General Electric Utility prescribed in the preceding paragraph, said minister may, within 20 days from the day when the notification was received (or, if the period prescribed in paragraph (3) has been extended pursuant to the following paragraph, the extended period), order the Specified-Scale Electricity Utility to change the content of the notification or suspend its performance of Specified-Scale Electricity Business to which such notification pertained .
- (6) The Minister of Economy, Trade and Industry may, when having reasonable grounds for believing that it will take a considerable period of time to examine whether or not Specified-Scale Electricity Business to be conducted via the electric lines to which the notification given under paragraph (1) pertained is

likely to cause significant harm to the interests of electricity users in the service area of the General Electric Utility prescribed in paragraph (4) and that such examination will not be completed within the period prescribed in paragraph (3), extend the period set forth in said paragraph by up to 20 days. In this case, the Minister of Economy, Trade and Industry must notify the Specified-Scale Electricity Utility who has given notification of the extended period and the reason for extension without delay.

- (7) Specified-Scale Electricity Utilities must, when intending to change the particulars to which the notification given under paragraph (1) pertained, notify the Minister of Economy, Trade and Industry to that effect.
- (8) The provisions of paragraphs (2) to (6) apply mutatis mutandis to the notification set forth in the preceding paragraph. In this case, the phrase "must not conduct Specified-Scale Electricity Business via the electric lines" in paragraph (3) is deemed to be replaced with "must not make the change; provided, however, that this does not apply to any minor change specified by Ordinance of the Ministry of Economy, Trade and Industry," and the phrase "Specified-Scale Electricity Business to be conducted via the electric lines" in paragraphs (4) to (6) is deemed to be replaced with "the change."

(Taking over of Specified-Scale Electricity Business)

Article 16-4 (1) In the event of a transfer of all of Specified-Scale Electricity Business, or the inheritance, merger or split of a Specified-Scale Electricity Utility (limited, however, to those resulting in the taking over of all of Specified-Scale Electricity Business), the transferee of all of Specified-Scale Electricity Business, the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation which has taken over all of Specified-Scale Electricity Business upon the split succeeds to the status of the Specified-Scale Electricity Utility.

- (2) A person who has succeeded to the status of a Specified-Scale Electricity Utility pursuant to the preceding paragraph must notify the Minister of Economy, Trade and Industry to that effect without delay.

(Specified Supply)

Article 17 (1) A person who intends to conduct business supplying electricity (excluding a General Electric Utility) must, except in the case of conducting Electricity Business or any of the following cases, obtain a license from the Minister of Economy, Trade and Industry for each recipient of supply of electricity and each place where said electricity is to be supplied to:

- (i) when such person intends to supply electricity through the generation facilities intended exclusively for supplying electricity to meet the demand in a single building or in any premises specified by Ordinance of the Ministry of

- Economy, Trade and Industry;
- (ii) when such person intends to supply electricity to be used for General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business.
- (2) A person who intends to obtain a license under the preceding paragraph must submit a written application to the Minister of Economy, Trade and Industry, with a document stating:
- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
 - (ii) the name and address of the recipient of supply of electricity;
 - (iii) the place where electricity is to be supplied;
 - (iv) in addition to what is listed in the preceding three items, the particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The Minister of Economy, Trade and Industry must not grant a license under paragraph (1) unless said minister finds that the application for the license under said paragraph conforms to all of the following items:
- (i) a person who is to conduct supply of electricity business has a close association with the recipient of the supply of electricity as specified by Ordinance of the Ministry of Economy, Trade and Industry;
 - (ii) if the place where electricity is to be supplied to is located in the service area of a General Electric Utility or at the service point of a Specified Electricity Utility, there is no risk of harm to the interests of electricity users in said service area or at said service point.
- (4) When there has been a change to the particulars listed in paragraph (2), item (i), item (ii) or item (iv), the person who has obtained a license under paragraph (1) must notify the Minister of Economy, Trade and Industry to that effect without delay.
- (5) The person who has obtained a license under paragraph (1) must, when having discontinued the supply of electricity business under the license, notify the Minister of Economy, Trade and Industry to that effect without delay.

Chapter II Services

Section 1 Supply

(Obligation to Supply, etc.)

Article 18 (1) A General Electric Utility must not refuse to supply electricity to meet general demand in its service area (excluding, however, demand at the Point of Business Commencement and Specified-Scale Demand) without justifiable grounds.

(2) General Electricity Utilities must not refuse to supply electricity to meet Specified-Scale Demand in its service area (excluding, however, demand from

users who receive supply of electricity from a person other than the General Electric Utility or those who receive supply of electricity under the rates and other supply conditions negotiated and agreed with the General Electric Utility) unless there is a risk of harm to the interests of recipients of supply of electricity under general supply provisions or Optional Supply Provisions or there are other justifiable grounds.

- (3) Specified Electricity Utilities must not refuse to supply electricity to meet demand at its service point without justifiable grounds.
- (4) General Electricity Utilities or Wholesale Electricity Utility that has agreed to supply electricity to another General Electric Utility for its General Electricity Business must not refuse to supply electricity without justifiable grounds. The same applies if a General Electric Utility has concluded a Supplementary Supply Agreement set forth in Article 24-2, paragraph (1) with a Specified Electricity Utility that has a service point within the General Electric Utility's service area.
- (5) General Electricity Utilities must not supply electricity to meet general demand in an area other than its service area or demand at the Point of Business Commencement within its service area.
- (6) General Electricity Utilities or Wholesale Electricity Utilities must not supply electricity to another General Electric Utility for General Electricity Business in any manner other than that for which a license or permission has been granted under Article 3, paragraph (1) or Article 8, paragraph (1).
- (7) Specified Electricity Utilities must not supply electricity to meet demand at a service point other than its service point for which a license or permission has been granted under Article 3, paragraph (1) or Article 8, paragraph (1) (if notification of change has been given pursuant to Article 8, paragraph (3), the new service point after such change).

(General Supply Provisions of General Electricity Utilities, etc.)

Article 19 (1) General Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry provisions, formulate general supply provisions to set rates and other supply conditions for supply of electricity to meet general demand (excluding Specified-Scale Demand) and obtain approval of the provisions from the Minister of Economy, Trade and Industry. The same applies when a General Electric Utility intends to revise the provisions.

- (2) The Minister of Economy, Trade and Industry must, if finding that the application for the approval under the preceding paragraph conforms to all of the following items, grant approval under said paragraph:
 - (i) the rates consist of fair costs as a result of efficient management and fair profits;

- (ii) the rates are clearly established as fixed rates or fixed amounts by type of supply;
 - (iii) the responsibilities of the General Electric Utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments, and for wiring and other related work, are provided for appropriately and clearly;
 - (iv) specific persons are not treated in an unfair and discriminatory manner.
- (3) Notwithstanding the provisions of the second sentence of paragraph (1), in the cases specified by Ordinance of the Ministry of Economy, Trade and Industry if the rates will be lowered or there will be no risk of harm to the interests of electricity users, a General Electric Utility may, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, revise the rates and/or other supply conditions set under general supply provisions that have been approved under said paragraph (if notification of revision has been given pursuant to the following paragraph or paragraph (7), the revised provisions; hereinafter the same applies in this Article).
- (4) General Electricity Utilities must, when having revised the rates and/or other supply conditions pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry of the revised general supply provisions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.
- (5) The Minister of Economy, Trade and Industry may, if finding that the general supply provisions to which the notification of revision given under the preceding paragraph pertained fails to fall under any of the following items, order the General Electric Utility to revise the general supply provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry:
- (i) the rates are clearly established as fixed rates or fixed amounts by type of supply;
 - (ii) the responsibilities of the General Electric Utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other related work, are provided for appropriately and clearly;
 - (iii) specific persons are not treated in an unfair and discriminatory manner.
- (6) Notwithstanding the provisions of the second sentence of paragraph (1), in the cases specified by Ordinance of the Ministry of Economy, Trade and Industry if measures should be taken to respond to an increase in the amount of expenses payable under the provisions of other Acts (limited, however, to cases where it is extremely difficult to curtail such expenses in the course of conducting General Electricity Business), a General Electric Utility may, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and

- Industry, revise the rates and/or other supply conditions set under general supply provisions that have been approved under said paragraph.
- (7) General Electricity Utilities must, when intending to revise the rates and/or other supply conditions pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect and of the revised general supply provisions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.
- (8) The general supply provisions to which the notification given under the preceding paragraph pertained are not effective until 30 days have elapsed from the day when the notification was received.
- (9) The Minister of Economy, Trade and Industry may, if finding that the general supply provisions to which the notification given under paragraph (7) pertained conform to all of the following items, shorten the period prescribed in the preceding paragraph:
- (i) the content of the revision of the rates is necessary and sufficient in light of the purpose of the revision;
 - (ii) the rates are clearly set as fixed rates or fixed amounts by type of supply;
 - (iii) the responsibilities of the General Electric Utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other related work, are provided for appropriately and clearly;
 - (iv) specific persons are not treated in an unfair and discriminatory manner.
- (10) When the Minister of Economy, Trade and Industry finds that the general supply provisions to which the notification given under paragraph (7) pertained fail to conform to any of the items of the preceding paragraph, said minister may, within 30 days from the day when the notification was received, order the General Electric Utility to revise the general supply provisions.
- (11) General Electricity Utilities may, if it is expected to contribute to the efficient use of the facilities for General Electricity Business or the efficient management of its business generally, formulate provisions to set supply conditions that differ from such rates and other supply conditions necessary to apply the rates set out in general supply provisions approved under paragraph (1), and make it available to electricity users as an alternative to the general supply provisions.
- (12) General Electricity Utilities must, when having formulated provisions pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry of the provisions (hereinafter referred to as "Optional Supply Provisions") pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry. The same applies if a General Electric Utility has revised the provisions.
- (13) The Minister of Economy, Trade and Industry may, if finding that the

Optional Supply Provisions to which the notification given under the preceding paragraph pertained fails to fall under any of the following items, order the General Electric Utility to revise the Optional Supply Provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry:

- (i) the Optional Supply Provisions contributes to the efficient use of the facilities for General Electricity Business by the General Electric Utility or the efficient management of the business;
- (ii) there is no risk of harm to the interests of recipients of supply of electricity under general supply provisions approved under paragraph (1);
- (iii) the rates are clearly established as fixed rates or fixed amounts;
- (iv) specific persons are not treated in an unfair and discriminatory manner.

(Provisions for Last Resort Service of General Electricity Utilities)

Article 19-2 (1) General Electricity Utilities must formulate provisions to set rates and other supply conditions to guarantee supply of electricity to meet Specified-Scale Demand in its service area (excluding, however, demand from users who receive supply of electricity from a person other than the General Electric Utility or those who receive supply of electricity under the rates and other supply conditions negotiated and agreed with the General Electric Utility), and notify the Minister of Economy, Trade and Industry of the provisions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry. The same applies when a General Electric Utility intends to revise the provisions.

(2) The Minister of Economy, Trade and Industry may, if finding that the provisions to which the notification given under the preceding paragraph pertained fails to fall under any of the following items, order the General Electric Utility to revise the provisions (hereinafter referred to as "Provisions for Last Resort Service"), within a reasonable time limit set by the Minister of Economy, Trade and Industry:

- (i) the rates are clearly established as fixed rates or fixed amounts by type of supply;
- (ii) the responsibilities of the General Electric Utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other related work, are provided for appropriately and clearly;
- (iii) specific persons are not treated in an unfair and discriminatory manner;
- (iv) the rates and conditions are particularly unsuitable in light of social and economic circumstances or significantly harmful to the interest of recipients of supply of electricity under the Provisions for Last Resort Service.

(Obligation of General Electricity Utilities to Publicize General Supply

Provisions, etc.)

Article 20 General Electricity Utilities must, when having obtained approval of general supply provisions pursuant to Article 19, paragraph (1), given notification of revision of general supply provisions pursuant to paragraph (4) or paragraph (7) of said Article or revised general supply provisions pursuant to Article 23, paragraph (3), given notification of Optional Supply Provisions pursuant to Article 19, paragraph (12), or given notification of Provisions for Last Resort Service pursuant to paragraph (1) of the preceding Article, display the general supply provisions, Optional Supply Provisions or Provisions for Last Resort Service at a place accessible to the public in its business office or other office from 10 days prior to the implementation of said provisions.

(Obligation of General Electricity Utilities to Supply Electricity under General Supply Provisions, etc.)

Article 21 (1) General Electricity Utilities must not supply electricity to meet general demand (excluding Specified-Scale Demand) under supply conditions other than those set out in general supply provisions approved under Article 19, paragraph (1) (or if notification of revision has been given pursuant to paragraph (4) or paragraph (7) of said Article, the revised provisions; if revision has been made pursuant to Article 23, paragraph (3), the revised provisions) or those set out in Optional Supply Provisions for which notification was given pursuant to Article 19, paragraph (12); provided, however, that this does not apply when a General Electric Utility provides a Cross-Area Wheeling Service, or when a General Electric Utility supplies electricity under the rates and other supply conditions approved by the Minister of Economy, Trade and Industry (or, if revision has been made pursuant to Article 23, paragraph (3), the revised rates and/or conditions) if there are special circumstances that make it difficult to supply electricity under the general supply provisions or Optional Supply Provisions.

(2) General Electricity Utilities must not, except when having negotiated and agreed with the recipient of supply of electricity with respect to the rates and/or other supply conditions, supply electricity to meet Specified-Scale Demand in its service area under supply conditions other than those set out in Provisions for Last Resort Service for which notification was given pursuant to Article 19-2, paragraph (1); provided, however, that this does not apply when a General Electric Utility provides a Cross-Area Wheeling Service.

(Supply Conditions for Wholesale Supply)

Article 22 (1) General Electricity Utilities, Wholesale Electricity Utility or Wholesale Supplier (hereinafter referred to as a "General Electric Utility, etc." in this Article) must not provide a Wholesale Supply at rates and other supply

conditions other than those for which notification was given to the Minister of Economy, Trade and Industry (or, if revision has been made pursuant to paragraph (3) of the following Article, the revised rates and/or conditions); provided, however, that this does not apply to the following cases.

- (i) when a Wholesale Supply is provided under the supply conditions (if notification of revision has been given pursuant to paragraph (9), the revised conditions; the same applies in paragraph (8) and paragraph (9)) set by a successful bidder in the bidding implemented by a General Electric Utility (limited, however, to those publicly announced pursuant to paragraph (5); hereinafter referred to as a "specified bidding" in this Article);
 - (ii) if the Minister of Economy, Trade and Industry has granted approval for a limited period if there are special circumstances that make it difficult to set supply conditions.
- (2) The person who has given notification under the preceding paragraph must not commence the Wholesale Supply to which the notification pertained until 20 days have elapsed from the day when the notification was received.
 - (3) The Minister of Economy, Trade and Industry may, if finding that the rates and other supply conditions to which the notification given under paragraph (1) pertained conform to all of the items of Article 19, paragraph (2), shorten the period prescribed in the preceding paragraph.
 - (4) If the Minister of Economy, Trade and Industry finds that the rates and/or other supply conditions to which the notification given under paragraph (1) pertained fail to conform to any of the items of Article 19, paragraph (2), said minister may, within 20 days from the day when the notification was received, order the person who has given the notification to revise the rates and/or supply conditions.
 - (5) General Electricity Utilities that intends to receive a Wholesale Supply may, when deciding on the person who is to provide a Wholesale Supply and supply conditions through a bidding process, make a public announcement pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry to the effect that the means of bidding satisfies the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry.
 - (6) General Electricity Utilities must, when having made a public announcement pursuant to the preceding paragraph, implement a bidding process by a means that satisfies the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry under said paragraph.
 - (7) General Electricity Utilities, etc. that is to provide a Wholesale Supply under the supply conditions set thereby as a successful bidder in a specified bidding must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the supply conditions to be applied.

- (8) In the cases specified by Ordinance of the Ministry of Economy, Trade and Industry if measures should be taken to respond to an increase in the amount of expenses payable under the provisions of other Acts (limited, however, to cases where it is extremely difficult to curtail such expenses in the course of providing a Wholesale Supply), a General Electric Utility, etc. that is to provide a Wholesale Supply under the supply conditions set thereby as a successful bidder in a specified bidding may, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, revise the supply conditions.
- (9) General Electricity Utilities, etc. that is to provide a Wholesale Supply under the supply conditions set thereby as a successful bidder in a specified bidding must, when intending to revise the supply conditions pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect and of the revised supply conditions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.
- (10) The supply conditions to which the notification given under the preceding paragraph pertained are not effective until 20 days have elapsed from the day when the notification was received.
- (11) The Minister of Economy, Trade and Industry may, if finding that the supply conditions to which the notification given under paragraph (9) pertained conform to all of the items of Article 19, paragraph (9), shorten the period prescribed in the preceding paragraph.
- (12) If the Minister of Economy, Trade and Industry finds that the supply conditions to which the notification given under paragraph (9) pertained fail to conform to any of the items of Article 19, paragraph (9), said minister may, within 20 days from the day when the notification was received, order the person who has given the notification to revise the supply conditions.

(Orders and Dispositions on General Supply Provisions, etc.)

- Article 23 (1) The Minister of Economy, Trade and Industry may, when they find that the electricity rates and/or other supply conditions have become particularly unsuitable as a result of changes in social and economic circumstances to the extent that they hinder the promotion of public interest, order the General Electric Utility to apply for approval to revise the general supply provisions approved under Article 19, paragraph (1) (or, if notification of revision has been given pursuant to paragraph (4) or paragraph (7) of said Article, the revised provisions) or the rates and other supply conditions approved under the proviso of Article 21, paragraph (1) (or, if revision has been made pursuant to paragraph (3), the revised rates and/or conditions), within a reasonable time limit set by the Minister of Economy, Trade and Industry.
- (2) The Minister of Economy, Trade and Industry may, when they find that the

rates and/or other supply conditions to which the notification given under paragraph (1) of the preceding Article pertained (or, if revision has been made pursuant to the following paragraph, the revised rates and/or conditions) have become particularly unsuitable as a result of changes in social and economic circumstances to the extent that they hinder the promotion of public interest, order the General Electric Utility, Wholesale Electricity Utility or Wholesale Supplier to revise the rates and/or other supply conditions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.

- (3) If the Minister of Economy, Trade and Industry has issued an order pursuant to the preceding two paragraphs, said minister may, if no application for approval has been filed nor any notification of revision has been given within the time limit set forth in the preceding two paragraphs, revise the general supply provisions or the rates and/or other supply conditions.

(General Supply Conditions of Specified Electricity Utility)

Article 24 (1) Specified Electricity Utilities must set electricity rates and other supply conditions, and notify the Minister of Economy, Trade and Industry of the rates and conditions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry. The same applies when a Specified Electricity Utility intends to revise the rates and/or conditions.

- (2) The Minister of Economy, Trade and Industry may, when finding that the rates and/or other supply conditions to which the notification given under the preceding paragraph pertained fail to fall under any of the following items, order the Specified Electricity Utility to revise the rates and/or other supply conditions, within a reasonable time limit set by the Minister of Economy, Trade and Industry:
- (i) the rates are clearly set as fixed rates or fixed amounts;
 - (ii) the responsibilities of the Specified Electricity Utility and electricity users, as well as the means of sharing expenses between them for electricity meters and other instruments and for wiring and other related work, are provided for appropriately and clearly;
 - (iii) specific persons are not treated in an unfair and discriminatory manner;
 - (iv) the rates and conditions are neither particularly unsuitable in light of social and economic circumstances nor significantly harmful to the interest of electricity users.
- (3) Specified Electricity Utilities must take measures to make public the rates and other supply conditions to which the notification given under paragraph (1) pertained at its service point prior to the day when the rates and conditions become applicable.
- (4) Specified Electricity Utilities must not supply electricity to meet demand at its service point at rates and other supply conditions other than those for

which notification was given pursuant to paragraph (1); provided, however, that this does not apply when a Specified Electricity Utility provides a Cross-Area Wheeling Service.

(Supplementary Supply Agreement)

Article 24-2 (1) General Electricity Utilities must, when intending to conclude a Supplementary Supply Agreement with a Specified Electricity Utility having a service point within the General Electric Utility's service area (which means an agreement whereby the General Electric Utility promises to supply electricity to the Specified Electricity Utility to make up a shortage of electricity used by the Specified Electricity Utility for Specified Electricity Business which may arise from an accident or other causes specified by Ordinance of the Ministry of Economy, Trade and Industry (excluding supply through a Cross-Area Wheeling Service); hereinafter the same applies), obtain approval of the rates and other supply conditions for such supply from the Minister of Economy, Trade and Industry. The same applies when a General Electric Utility intends to revise the rates and/or other supply conditions.

(2) The provisions of Article 19, paragraph (2) apply mutatis mutandis to the approval set forth in the preceding paragraph.

(3) If, with respect to a Supplementary Supply Agreement, the General Electric Utility and the Specified Electricity Utility with a service point within the General Electric Utility's service area have failed to hold consultations or reach an agreement through consultations, the Minister of Economy, Trade and Industry may, when finding that there is a risk of harm to the interests of electricity users at the service point, order the General Electric Utility and the Specified Electricity Utility to conclude a Supplementary Supply Agreement with each other, giving instructions on rates and other supply conditions.

(4) If an order has been issued pursuant to the preceding paragraph, the General Electric Utility that has received the order is deemed to have obtained approval under paragraph (1) of the rates and other supply conditions as instructed under said paragraph.

(5) The provisions of Article 23, paragraph (1) and paragraph (3) apply mutatis mutandis to the rates and other supply conditions approved under paragraph (1) (including those that are deemed to have been approved under paragraph (1) pursuant to the preceding paragraph).

(Wheeling Service by General Electricity Utilities)

Article 24-3 (1) General Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, formulate Wheeling Service provisions to set rates and other supply conditions for a Wheeling Service (or, in the case of a Cross-Area Wheeling Service, limited to

such services for supplying electricity to be used for General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business or electricity for Intra-Area Wheeling Service listed in Article 2, paragraph (1), item (xiv), (c), which are specified by Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same applies) and notify the Minister of Economy, Trade and Industry of the provisions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry. The same applies when a General Electric Utility intends to revise the provisions.

- (2) General Electricity Utilities must not provide a Wheeling Service under supply conditions other than those set out in the Wheeling Service provisions for which notification was given pursuant to the preceding paragraph; provided, however, that this does not apply if the Minister of Economy, Trade and Industry has granted approval, and there are special circumstances that make it difficult to provide the Wheeling Service under the Wheeling Service provisions.
- (3) The Minister of Economy, Trade and Industry may, when finding that the Wheeling Service provisions to which the notification given under paragraph (1) pertained fail to fall under any of the following items, order the General Electric Utility to revise the Wheeling Service provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry:
 - (i) there is no risk of harm to the interests of recipients of supply of electricity under general supply provisions or Optional Supply Provisions;
 - (ii) it is unlikely that the recipients of supply of electricity under the Wheeling Service provisions to which the notification given under paragraph (1) pertained would experience any difficulty in receiving the Wheeling Service;
 - (iii) the rates are clearly established as fixed rates or fixed amounts;
 - (iv) the responsibilities of the General Electric Utility and the recipients of supply of electricity under the Wheeling Service provisions to which the notification given under paragraph (1) pertained, as well as the means of sharing expenses between them for electricity meters and other related work, are provided for appropriately and clearly;
 - (v) specific persons are not treated in an unfair and discriminatory manner;
 - (vi) beyond what is listed in the preceding items, the rates and conditions do not hinder the promotion of public interest.
- (4) General Electricity Utilities must, when having given notification pursuant to paragraph (1), publicize the Wheeling Service provisions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.
- (5) If a General Electric Utility has refused to provide a Wheeling Service without justifiable grounds, the Minister of Economy, Trade and Industry may order the General Electric Industry to provide a Wheeling Service.

(Cross-Area Wheeling Service by Wholesale Electricity Utilities)

Article 24-4 (1) Wholesale Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the rates and other supply conditions for its Cross-Area Wheeling Service (limited, however, to such services for supplying electricity to be used for General Electricity Business, which are specified by Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same applies in this Article and Article 24-7); provided, however, that this does not apply if the Minister of Economy, Trade and Industry has granted approval based on the certification that the Wholesale Electricity Utility is not expected to provide a Cross-Area Wheeling Service in light of the condition of the electric lines that the Wholesale Electricity Utility maintains and operates.

(2) The provisions of the main clause of the preceding paragraph apply mutatis mutandis when a Wholesale Electricity Utility intends to revise the rates and/or other supply conditions for which notification was given pursuant to the main clause of said paragraph.

(3) Wholesale Electricity Utilities (excluding those that have obtained approval under the proviso of paragraph (1); hereinafter the same applies in this Article and Article 24-7) must not provide a Cross-Area Wheeling Service at rates and other supply conditions other than those for which notification was given pursuant to the main clause of paragraph (1) (including cases where it is applied mutatis mutandis pursuant to the preceding paragraph).

(4) The Minister of Economy, Trade and Industry may, when finding that the rates and/or other supply conditions to which the notification given under the main clause of paragraph (1) pertained (including cases where it is applied mutatis mutandis pursuant to paragraph (2); hereinafter the same applies in this Article) fail to fall under any of the following items, order the Wholesale Electricity Utility to revise the rates and/or supply conditions, within a reasonable time limit set by the Minister of Economy, Trade and Industry:

(i) it is unlikely that the recipients of supply of electricity under the rates and other supply conditions to which the notification given under the main clause of paragraph (1) pertained would experience any difficulty in receiving the Cross-Area Wheeling Service;

(ii) the rates are clearly established as fixed rates or fixed amounts;

(iii) the responsibilities of the Wholesale Electricity Utility and recipients of supply of electricity under the rates and other supply conditions to which the notification given under the main clause of paragraph (1) pertained, as well as the means of sharing expenses between them for electricity meters and related work, are provided for appropriately and clearly;

(iv) specific persons are not treated in an unfair and discriminatory manner;

(v) beyond what is listed in the preceding items, the rates and conditions do not hinder the promotion of public interest.

- (5) If a Wholesale Electricity Utility has refused to provide a Cross-Area Wheeling Service without justifiable grounds, the Minister of Economy, Trade and Industry may order the Wholesale Electricity Utility to provide a Cross-Area Wheeling Service.

(Accounting Concerning Wheeling Services and Other Services by General Electricity Utilities, etc.)

Article 24-5 (1) General Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, keep accounts concerning a Wheeling Service and other services for the transformation, transmission and distribution of electricity.

- (2) General Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, publicize the results of the accounting set forth in the preceding paragraph.

(Prohibited Acts in Wheeling Services by General Electricity Utilities)

Article 24-6 (1) General Electricity Utilities must not conduct any of the following acts:

- (i) use by itself of or providing another person with information concerning other persons who supply electricity (hereinafter referred to as "Electricity Suppliers") and electricity users, which the General Electric Utility has become aware of in the course of providing a Wheeling Service, for purposes other than using said information for the service;
- (ii) in the course of providing a Wheeling Service, providing unfair preferential treatment or providing benefits, or applying unfair disadvantageous treatment or causing detriment to any particular Electric Supplier.
- (2) The Minister of Economy, Trade and Industry may, when finding that a General Electric Utility has committed an act in violation of the preceding paragraph, order the General Electric Utility to discontinue or correct said act.

(Application Mutatis Mutandis)

Article 24-7 The provisions of the preceding two Articles apply mutatis mutandis to Wholesale Electricity Utilities. In this case, the term "Wheeling Service" in these provisions is deemed to be replaced with "Cross-Area Wheeling Service," and the phrase "transmission and distribution of electricity" in Article 24-5, paragraph (1) is deemed to be replaced with "and transmission of electricity" respectively.

(Electricity Supply outside Service Areas of General Electricity Utilities)

Article 25 (1) General Electricity Utilities must, when intending to supply electricity to meet demand in an area other than its service area, obtain a license from the Minister of Economy, Trade and Industry for each recipient of supply of electricity and each place where electricity is to be supplied; provided, however, that this does not apply when a General Electric Utility supplies electricity in the course of conducting Specified-Scale Electricity Business, supplies electricity to be used for General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business or provides a Cross-Area Wheeling Service (limited, however, to such services for supplying electricity to be used for General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business or electricity for Intra-Area Wheeling Service listed in Article 2, paragraph (1), item (xiv), (c)).

(2) The Minister of Economy, Trade and Industry must not grant a license under the preceding paragraph unless finding that the application for the license under said paragraph conforms to all of the following items:

(i) when the supply of electricity is intended to meet demand in the service area of another General Electric Utility, it is not easy or appropriate for said other General Electric Utility to supply electricity in that area;

(ii) the supply of electricity is not intended to meet demand at the Point of Business Commencement of a Specified Electricity Utility.

(Voltage and Frequency)

Article 26 (1) Electricity Utilities (excluding Wholesale Electricity Utilities and Specified-Scale Electricity Utilities; hereinafter the same applies in this Article) must endeavor to maintain the voltage value and frequency value of the electricity that the Electricity Utility supplies at the levels specified by Ordinance of the Ministry of Economy, Trade and Industry.

(2) The Minister of Economy, Trade and Industry may, when finding that the interest of electricity users is harmed because the voltage value or frequency value of the electricity supplied by an Electricity Utility is not maintained at the levels specified by Ordinance of the Ministry of Economy, Trade and Industry under the preceding paragraph, order the Electricity Utility to repair or alter the Electric Facilities, improve the means of operating the Electric Facilities and take other necessary measures in order to maintain the specified levels.

(3) Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, measure the voltage and frequency of the electricity that the Electricity Utility supplies, record the values measured and keep such records on file.

(Restrictions on the Use of Electricity)

Article 27 (1) If it seems that if no adjustment is made to electricity supply and demand, a shortage of supply of electricity will adversely affect the national economy, standard of living or public interest, the Minister of Economy, Trade and Industry may, to the extent necessary for resolving such a situation and pursuant to the provisions of Cabinet Order, order or recommend a person who receives supply of electricity from a General Electric Utility, Specified Electricity Utility or Specified-Scale Electricity Utility (hereinafter referred to as "General Electric Utility, etc." in this Article) to restrict the use of electricity supplied by a General Electric Utility, etc. by limiting the power usage or peak load or specifying the purpose of use or the date and time when power usage should be stopped, or to restrict the receipt of electricity from a General Electric Utility, etc. by limiting the capacity to receive electricity.

(2) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of the preceding paragraph, require a person who receives supply of electricity from a General Electric Utility, etc. to report the status of use of electricity supplied by a General Electric Utility, etc. and any other necessary particulars pursuant to the provisions of Cabinet Order.

Section 2 Operations Covering an Extensive Area

Subsection 1 Cooperation among Electricity Utilities

Article 28 Electricity Utilities must, in the course of implementing electric power development projects, supplying electricity, operating Electric Facilities and performing other business activities, cooperate with one another while making appropriate use of the capabilities of Wholesale Suppliers and Specified Persons Equipped With Electric Facilities for Private Use prescribed in Article 28-3, paragraph (2), so as to contribute to the securement of stable supply of electricity and other comprehensive and reasonable development of Electricity Business through operations covering an extensive area.

Subsection 2 Notification of Wholesale Suppliers, etc.

(Notification of Wholesale Suppliers)

Article 28-2 (1) Wholesale Suppliers (excluding Specified Electricity Utilities and Specified-Scale Electricity Utilities; hereinafter the same applies in the following paragraph, paragraph (1) of the following Article, and Article 31, paragraph (2)) must, without delay upon commencing business, notify the Minister of Economy, Trade and Industry to that effect pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, with a document stating the person's name and address as well as the particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

- (2) A Wholesale Supplier that has given notification under the preceding paragraph must, when it falls under any of the following items, notify the Minister of Economy, Trade and Industry to that effect without delay pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry:
- (i) if the particulars listed in the preceding paragraph have been changed;
 - (ii) if it has discontinued its business;
 - (iii) when otherwise it falls under any of the items prescribed by Ordinance of the Ministry of Economy, Trade and Industry.

(Notification of Specified Persons Equipped With Electric Facilities for Private Use)

Article 28-3 (1) A person equipped with Electric Facilities for Private Use for electricity generation that satisfy the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry (excluding any Electricity Utility and Wholesale Electricity Utility) must, when such Electric Facilities for Private Use are electrically connected directly, or indirectly through electric lines maintained and operated by any person other than a General Electric Utility, with electric lines maintained and operated by a General Electric Utility, notify the Minister of Economy, Trade and Industry to that effect pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, with a document stating the person's name and address as well as the particulars specified by Ordinance of the Ministry of Economy, Trade and Industry, without delay; provided, however, that this does not apply to cases specified by Ordinance of the Ministry of Economy, Trade and Industry.

- (2) A person who has given notification under the preceding paragraph (hereinafter referred to as "Specified Person Equipped With Electric Facilities for Private Use" in Article 31, paragraph (3)) must, if the person falls under any of the following items, notify the Minister of Economy, Trade and Industry to that effect without delay pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry:
- (i) if the particulars listed in the preceding paragraph have been changed;
 - (ii) if Electric Facilities for Private Use for electricity generation regarding which notification has been given pursuant to the provisions of the preceding paragraph have ceased to satisfy the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry as referred to in said paragraph;
 - (iii) if Electric Facilities for Private Use for electricity generation regarding which notification has been given pursuant to the provisions of the preceding paragraph have ceased to be electrically connected directly, or indirectly through electric lines maintained and operated by any person other than a General Electric Utility, with electric lines maintained and operated by a

General Electric Utility;
(iv) when otherwise falling under any of the items prescribed by Ordinance of the Ministry of Economy, Trade and Industry.

**Subsection 3 Organization Promoting Operations Covering an
Extensive Area
Division 1 General Provisions**

(Purpose)

Article 28-4 The objective of the organization promoting operations covering an extensive area (hereinafter referred to as the "Promoting Organization") is to promote operations covering an extensive area in the conduct of Electricity Business by monitoring electricity supply and demand for Electricity Business conducted by an Electricity Utility and giving the Electricity Utility instructions to supply electricity to other Electricity Utilities whose status regarding electricity supply and demand has worsened.

(Corporations)

Article 28-5 The Promoting Organization is a corporation.

(Number)

Article 28-6 Only one Promoting Organization is to be established.

(Name)

Article 28-7 (1) The Promoting Organization must use the words "organization promoting operations covering an extensive area" in its name.

(2) Any person who is not the Promoting Organization must not use the words "organization promoting operations covering an extensive area" in its name.

(Registration)

Article 28-8 (1) The Promoting Organization must be registered pursuant to the provisions of Cabinet Order.

(2) The particulars to be registered pursuant to the provisions of the preceding paragraph may not be asserted against a third party, unless such particulars have been registered.

(Application Mutatis Mutandis of the Act on General Incorporated Associations and General Incorporated Foundations)

Article 28-9 The provisions of Articles 4 and 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to the Promoting Organization.

Division 2 Members

(Qualification, etc. of Members)

Article 28-10 (1) Persons qualified as members of the Promoting Organization are limited to Electricity Utilities.

(2) The Promoting Organization must not refuse entry to those who are qualified as members, nor set unreasonable conditions with respect to said entry.

(Entry Obligations, etc.)

Article 28-11 (1) Electricity Utilities must enter the Promoting Organization as members.

(2) Any person who intends to conduct Electricity Business (excluding Specified-Scale Electricity Business) under a license obtained under Article 3, paragraph (1) and any person who intends to conduct Specified-Scale Electricity Business having given a notification under Article 16-2, paragraph (1), must undertake procedures to enter the Promoting Organization prior to its application for such license or notification.

(3) A person who has undertaken procedures to enter the Promoting Organization pursuant to the preceding paragraph becomes a member of the Promoting Organization when the license under said paragraph has been obtained or the notification under said paragraph has been accepted.

(4) Electricity Utilities must, without delay upon entering the Promoting Organization, notify the Minister of Economy, Trade and Industry to that effect.

(Withdrawal, etc.)

Article 28-12 (1) Any members (excluding any member who is Specified-Scale Electricity Utility) automatically withdraw from the Promoting Organization when its license under Article 3, paragraph (1) is rescinded pursuant to Article 15, paragraphs (1) to (4).

(2) A member may not withdraw from the Promoting Organization except in the following cases:

(i) if its license under Article 3, paragraph (1) has been rescinded pursuant to Article 15, paragraphs (1) to (4);

(ii) if permission under Article 14, paragraph (1) (limited to a permission to discontinue the whole of Electricity Business (excluding a Specified-Scale Electricity Business)) is obtained;

(iii) if a notification under Article 16-2, paragraph (3) is given;

(iv) other cases specified by Ordinance of the Ministry of Economy, Trade and Industry.

Division 3 Establishment

(Requirements for Establishment)

- Article 28-13 (1) In order to establish the Promoting Organization, seven or more Electric Utilities who intend to become members must be founders.
- (2) After preparing the articles of incorporation and operational rules, the founders must invite persons who intend to become members, and hold an organizational meeting by giving public notice of said articles of incorporation and operational rules as well as the time and place of the meeting by two weeks prior to the date of said meeting.
- (3) Approval of the articles of incorporation and operational rules and decisions on any other particulars necessary for the establishment of the Promoting Organization must be made by a resolution of an organizational meeting.
- (4) The articles of incorporation and operational rules may be amended at organizational meetings.
- (5) A decision at an organizational meeting under paragraph (3) is made by at least two thirds of those present with voting rights when at least half of the Electric Utilities which have proposed themselves as members to the founders before the opening of the meeting, and the founders are present.
- (6) Notwithstanding the provisions of Article 28-33, any necessary particulars for the management of the business in the fiscal year which includes the date of establishment of the Promoting Organization (including the budget) may be decided by a resolution at an organizational meeting.
- (7) The provisions of the main clause of Article 28-34 apply mutatis mutandis to the business of an organizational meeting under the preceding paragraph. In this case, the term "all members" in the main clause of said Article is deemed to be replaced with "Electric Utilities which have proposed themselves as members to the founders before the opening of the meeting, and the founders."
- (8) The provisions of Articles 28-38 and 28-39 apply mutatis mutandis to a resolution of an organizational meeting.

(Application for Approval)

- Article 28-14 (1) The founders must, without delay after the conclusion of an organizational meeting, submit a written application for approval describing the particulars listed in the following items to the Minister of Economy, Trade and Industry, and obtain approval for the establishment of the Promoting Organization:
- (i) name;
 - (ii) location of the place of business;
 - (iii) names and addresses of officers and trade names of members.
- (2) A written application for approval under the preceding paragraph must be

accompanied by the articles of incorporation, operational rules and other documents specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Standards for Approval)

Article 28-15 The Minister of Economy, Trade and Industry must, when finding that the application for approval under paragraph (1) of the preceding Article conforms to each of the following items, grant approval for the establishment of the Promoting Organization:

- (i) the procedures for establishment and the terms of the articles of incorporation and operational rules conform to laws and regulations;
- (ii) there are no false statements in the written application for approval, the articles of incorporation and operational rules;
- (iii) none of the officers is a person who falls under any category of the persons in each item of Article 28-21;
- (iv) it is expected with certainty that the business will be operated fairly and properly;
- (v) the Promoting Organization pertaining to said application is organized in a manner which conforms to the provisions of this Act.

(Transfer of Duties to the President)

Article 28-16 When approval for establishing the Promoting Organization is granted, the founders must transfer their duties to the president without delay.

(Registration)

Article 28-17 (1) The Promoting Organization is established by registering its establishment at the location of its principal office.

(2) The Promoting Organization must, when it has registered its establishment under the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect without delay.

Division 4 Management

(Particulars to be Included in the Articles of Incorporation)

Article 28-18 (1) The articles of incorporation of the Promoting Organization must state the particulars listed as follows:

- (i) purpose;
- (ii) name;
- (iii) location of the place of business;
- (iv) the following particulars related to members:
 - (a) membership qualification;

- (b) entry and withdrawal of members;
 - (c) sanctions against members;
 - (v) particulars related to general meetings;
 - (vi) particulars related to officers;
 - (vii) particulars related to the board of councilors;
 - (viii) particulars related to membership fees;
 - (ix) particulars related to finance and accounting;
 - (x) particulars related to changes to the articles of incorporation;
 - (xi) means of public notice.
- (2) Any change to the articles of incorporation is not effective unless approved by the Minister of Economy, Trade and Industry.

(Officers)

Article 28-19 The Promoting Organization has one president, two or more directors, and one or more auditors as its officers.

(Authority of Officers)

- Article 28-20 (1) The president of the Promoting Organization act its representative and preside over its business.
- (2) Directors, pursuant to the provisions of the articles of incorporation, represent the Promoting Organization, assist its president in the management of the business of the Promoting Organization, represent its president when circumstances obstruct said president from performing duties, and perform the same when the position of president is vacant.
- (3) Auditors audit the business of the Promoting Organization.
- (4) Auditors may, if they deem it necessary, submit their opinions to the president or the Minister of Economy, Trade and Industry based on the results of an audit.

(Disqualification of Officers)

- Article 28-21 A person who falls under any of the following may not become an officer:
- (i) employees of the government or any local public entity (excluding part-time employees);
 - (ii) any person who has been sentenced to imprisonment without work or any more severe punishment, provided that a period of two years has not elapsed since the person served out the sentence or ceased to be subject to the sentence;
 - (iii) any person who has been punished by a fine for violation of this Act or any order issued under this Act, provided that a period of two years has not elapsed since the person completed payment of the fine or ceased to be

subject to the fine.

Article 28-22 If an officer comes to fall under any of the items of the preceding Article, the Promoting Organization must dismiss such officer.

(Appointment, Term of Office and Dismissal of Officers)

Article 28-23 (1) Officers are appointed or dismissed at a general meeting pursuant to the provisions of the articles of incorporation; provided, however, that the officers at the time of establishment are appointed at the organizational meeting.

(2) The appointment (excluding appointment of officers at the time of establishment) and dismissal of officers of the Promoting Organization under the provisions of the preceding paragraph does not come into effect without the approval of the Minister of Economy, Trade and Industry.

(3) The term of office of an officer is a period of not more than two years as specified by the articles of incorporation.

(4) Officers may be re-appointed.

(5) Should any officer violate this Act, an order or disposition pursuant thereto, the articles of incorporation or operational rules, or commit a particularly inappropriate act in relation to the business of the Promoting Organization, the Minister of Economy, Trade and Industry may order the Promoting Organization to dismiss such office within a specified period of time.

(6) If the Promoting Organization does not dismiss an officer who has become ineligible under the provisions of Article 28-21 or does not obey an order pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry may dismiss such officer.

(Prohibition of Concurrent Holding of Positions by Officers)

Article 28-24 No officer may become an officer of any profit-oriented association or engage in any profit-making business; provided, however, that this does not apply when said officer has obtained approval to do so from the Minister of Economy, Trade and Industry.

(Prohibition of the Concurrent Holding of Positions by Auditors)

Article 28-25 Auditors must not concurrently hold the position of president, director, councilor or employee of the Promoting Organization.

(Restrictions on the Right of Representation)

Article 28-26 Neither the president nor the directors of the Promoting Organization have the right of representation with regard to any matter in which their interests and the interests of the Promoting Organization conflict.

In such a case, auditors represent the Promoting Organization.

(Board of Councilors)

Article 28-27 (1) The Promoting Organization has a board of councilors as its organization in charge of deliberating important particulars concerning its administration.

(2) The board of councilors consists of not more than twenty councilors.

(3) The councilors are appointed by the president, with the authorization of the Minister of Economy, Trade and Industry, from among persons with relevant knowledge and experience in Electricity Business.

(Appointment of Employees)

Article 28-28 Employees of the Promoting Organization are appointed by the president.

(Confidentiality Obligations of Officers and Employees, etc.)

Article 28-29 (1) No officer, employee or councilor of the Promoting Organization or any person who formerly held such a position may disclose to another person or misappropriate any confidential information obtained during the course of duties.

(2) No officer, employee or councilor of the Promoting Organization or any person who was formerly in such a position may use any information obtained during the course of duties for any purpose other than the business of said Promoting Organization.

(Position of Officers and Employees, etc.)

Article 28-30 With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, officers, employees and councilors of the Promoting Organization are deemed to be officials engaged in public service under laws and regulations.

Division 5 General Meetings

(Convocation of General Meetings)

Article 28-31 (1) The president of the Promoting Organization must convene an ordinary general meeting once every fiscal year, pursuant to the provisions of the articles of incorporation.

(2) The president of the Promoting Organization may convene an extraordinary general meeting when finding it necessary to do so.

(Attendance of Designated Employees at Meetings)

Article 28-32 Employees designated by the Minister of Economy, Trade and Industry may attend general meetings and state their opinions.

(Particulars to be Resolved at General Meetings)

Article 28-33 Beyond particulars for which special provisions exist in this Act, the following particulars require a resolution of a general meeting:

- (i) changes to the articles of incorporation;
- (ii) decision on or revision of budgets;
- (iii) changes to operational rules;
- (iv) settlement of accounts;
- (v) beyond what is listed in the preceding items, particulars set forth in the articles of incorporation.

(Decisions at General Meetings)

Article 28-34 Decisions at general meetings are made by reaching a majority vote of the members present when at least half of all members are present, and by the chairperson in the event of a tie; provided, however, that decisions on the particulars set forth in items (i) and (iii) of the preceding Article are made by at least a two-thirds majority vote of the members present.

(Extraordinary General Meetings)

Article 28-35 The president of the Promoting Organization must convene an extraordinary general meeting when a demand indicating the particulars that are the purpose of the meeting is presented from one fifth or more of all members; provided, however, that a percentage that differs from the percentage of one fifth of all members may be specified by the articles of incorporation.

(Convocation of General Meetings)

Article 28-36 A convocation notice for general meetings must be given in accordance with the means specified by the articles of incorporation at least five days prior to the day of the general meeting, and must indicate the particulars that are the subject of such general meeting.

(Decisions at General Meetings)

Article 28-37 Only particulars of which notice has been given in advance pursuant to the provisions of the preceding Article may be resolved at a general meeting; provided, however, that this does not apply when otherwise provided for in the articles of incorporation.

(Voting Rights of Members)

Article 28-38 (1) The voting right of each member is equal.

(2) Members who do not attend a general meeting may vote in writing or through a proxy.

(3) The provisions of the preceding two paragraphs do not apply to cases if it is otherwise provided in the articles of incorporation.

(No Voting Rights)

Article 28-39 When a decision is to be made regarding the relationship between the Promoting Organization and a particular member, that member has no voting rights.

Division 6 Operations

(Operations)

Article 28-40 The Promoting Organization conducts the following operations in order to achieve the objectives prescribed in Article 28-4:

(i) monitor electricity supply and demand for Electricity Business conducted by members;

(ii) give instructions pursuant to the provisions of Article 28-44, paragraph (1);

(iii) establish basic guidelines for the performance of the Services for Electricity Transmission and Distribution, etc. (which means Wheeling Services and other services for the transformation, transmission and distribution of electricity provided by a General Electric Utility or Wholesale Electricity Utility; hereinafter the same applies in this Article) (hereinafter referred to as "Guidelines for the Services for Electricity Transmission and Distribution, etc." in Article 28-45, Article 28-46 and Article 29, paragraph (2));

(iv) conduct a review and delivery pursuant to the provisions of Article 29, paragraph (2) (including cases where it is applied mutatis mutandis under paragraph (4) of that Article);

(v) give guidance or make recommendations to Electricity Suppliers, or perform other services necessary to ensure the smooth performance of the Services for Electricity Transmission and Distribution, etc. and otherwise ensure the stable supply of electricity;

(vi) handle complaints from and settle disputes with Electricity Suppliers with regard to Services for Electricity Transmission and Distribution, etc.;

(vii) provide relevant information and liaise and coordinate with respect to the Services for Electricity Transmission and Distribution, etc.;

(viii) conduct business incidental to those set forth in the preceding items;

(ix) in addition to what is listed in the preceding items, conduct other operations necessary to achieve the purposes set forth in Article 28-4.

(Operational Rules)

Article 28-41 (1) The operational rules of the Promoting Organization must state the particulars concerning its business and execution thereof and other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(2) The particulars concerning the Promoting Organization's business and execution thereof under the preceding paragraph must include, if instructions under the provisions of Article 28-44, paragraph (1) have been given, those particulars necessary in relation to amounts payable or receivable by members and other particulars necessary for execution of instructions.

(3) When the Promoting Organization intends to change its operational rules, it must obtain approval from the Minister of Economy, Trade and Industry.

(Submission of Reports or Materials)

Article 28-42 (1) When it is necessary in order to conduct its business, the Promoting Organization may request its members to submit reports or materials.

(2) A member who has been requested to submit reports or materials pursuant to the provisions of the preceding paragraph must submit them without delay.

(3) Upon receiving a request from the Promoting Organization, the Minister of Economy, Trade and Industry may, when finding that it is particularly necessary for conducting business by the Promoting Organization, issue materials (limited to those pertaining to the information held by the Minister of Economy, Trade and Industry with regard to enforcement of this Act) to the Promoting Organization or have the Promoting Organization inspect them.

(Obligation to Provide Information)

Article 28-43 Pursuant to the provisions of its operational rules, members must provide the Promoting Organization with information pertaining to the quantity of electricity generated by the Electric Facilities for Business Use for generation of electricity installed by them at all times, information pertaining to the frequency of the electricity supplied by them and any other information provided for in the operational rules as that necessary for the execution of business listed in Article 28-40, item (i) by the Promoting Organization.

(Instructions of the Promoting Organization)

Article 28-44 (1) If the status regarding electricity supply and demand for Electricity Business conducted by a member has worsened or is likely to worsen, the Promoting Organization may, when it finds it necessary to improve the status regarding electricity supply and demand, instruct members to

undertake the following actions pursuant to the provisions of the operational rules; provided, however, that it may not instruct a member who is a Wholesale Electricity Utility to conduct item (iii):

- (i) supply electricity to a member for which the status regarding electricity supply and demand has worsened;
 - (ii) provide a member with Cross-Area Wheeling Service;
 - (iii) receive supply of electricity from a member;
 - (iv) lease Electric Facilities to or from a member or share Electric Facilities with a member;
 - (v) in addition to what is listed in the preceding items, take necessary measures to improve such status regarding electricity supply and demand.
- (2) The Promoting Organization must, when having given instructions pursuant to the preceding paragraph, immediately report the contents of such instructions and any other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry to the Minister of Economy, Trade and Industry.
- (3) The Promoting Organization must, when finding that a member who has received instructions pursuant to the provisions of paragraph (1) fails to take necessary measures pertaining to such instructions without justifiable grounds, immediately report it to the Minister of Economy, Trade and Industry.

(Guidelines for Services for Electricity Transmission and Distribution, etc.)

Article 28-45 The Guidelines for Services for Electricity Transmission and Distribution, etc. must provide for the following particulars:

- (i) particulars pertaining to improvement in the capacity of electric lines maintained and operated by a General Electric Utility;
- (ii) particulars pertaining to electric connections between Electric Facilities for generation of electricity and electric lines maintained and operated by a General Electric Utility;
- (iii) other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Approval of Guidelines for Services for Electricity Transmission and Distribution, etc.)

Article 28-46 (1) The Guidelines for Services for Electricity Transmission and Distribution, etc. are not effective unless approved by the Minister of Economy, Trade and Industry. The same applies to amendments thereof (excluding minor particulars specified by Ordinance of the Ministry of Economy, Trade and Industry).

- (2) The Minister of Economy, Trade and Industry must not grant approval under the preceding paragraph unless said Minister finds that the Guidelines for the Services for Electricity Transmission and Distribution, etc. which are subject

to an application for approval under the same paragraph conform to all of the following items:

- (i) their terms are not in violation of any applicable law;
 - (ii) the procedures for their establishment or amendment are not in violation of any applicable law or the articles of incorporation;
 - (iii) they are not unfairly discriminatory.
- (3) If the Minister of Economy, Trade and Industry finds that the Guidelines for Services for Electricity Transmission and Distribution, etc. do not conform to any of the items in the preceding paragraph, said Minister must order the Promoting Organization to amend the Guidelines for Services for Electricity Transmission and Distribution, etc.
- (4) The Promoting Organization must, when having made an amendment to minor particulars specified by Ordinance of the Ministry of Economy, Trade and Industry under paragraph (1), give notification of such amended Guidelines for Services for Electricity Transmission and Distribution, etc. to the Minister of Economy, Trade and Industry without delay.

Division 7 Finance and Accounting

(Fiscal Year)

Article 28-47 The fiscal year of the Promoting Organization is from April 1 to March 31 of the following year; provided, however, that the fiscal year which includes the day of establishment of the Promoting Organization is from the day of establishment to the following March 31.

(Approval of Budgets, etc.)

Article 28-48 The Promoting Organization must prepare a budget and business plan for each fiscal year, and obtain approval thereof from the Minister of Economy, Trade and Industry prior to the commencement of said fiscal year (in the fiscal year that includes the day of establishment of the Promoting Organization, without delay after establishment). The same applies when the Promoting Organization intends to revise them.

(Submission of Financial Statements, etc.)

Article 28-49 (1) The Promoting Organization must prepare an inventory of property, a balance sheet, a profit and loss statement, a business report and a settlement of accounts (hereinafter referred to as "Financial Statements, etc." in this Article) for the previous fiscal year and must submit these to and gain approval thereof from the Minister of Economy, Trade and Industry pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry within three months from the day of commencement of a fiscal year (excluding

a fiscal year that includes the day of establishment of the Promoting Organization).

- (2) The Promoting Organization must, when submitting Financial Statements, etc. to the Minister of Economy, Trade and Industry pursuant to the provisions of the preceding paragraph, attach to these the written opinion of the auditor of the Financial Statements, etc.
- (3) The Promoting Organization must keep a copy of the Financial Statements, etc. approved by the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (1) at the office of the Promoting Organization and make them available for public inspection.

(Delegation to Ordinance of the Ministry of Economy, Trade and Industry)
Article 28-50 Beyond what is provided for in this Act, particulars necessary for the finance and accounting of the Promoting Organization are specified by Ordinance of the Ministry of Economy, Trade and Industry.

Division 8 Supervision

(Supervision Order)

Article 28-51 The Minister of Economy, Trade and Industry may, when finding it necessary for the enforcement of this Act, issue to the Promoting Organization an order to change its articles of incorporation or operational rules or other things relating to its business, as necessary for supervision.

Division 9 Miscellaneous Provisions

(Dissolution)

Article 28-52 Dissolution of the Promoting Organization is provided by other Acts.

Subsection 4 Supply Plan

Article 29 (1) Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, each fiscal year, prepare a plan on the supply of electricity and the installation and operation of Electric Facilities for such a period commencing from said fiscal year as specified by Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as a "Supply Plan") and must notify the Minister of Economy, Trade and Industry of the plan through the Promoting Organization prior to the start of the fiscal year.

- (2) The Promoting Organization must, when receiving Supply Plans from

Electricity Utilities pursuant to the provisions of the preceding paragraph, compile said plans, consider said plans in light of the Guidelines for Services for Electricity Transmission and Distribution, etc. and knowledge obtained through the performance of services, and send said plans to the Minister of Economy, Trade and Industry prior to the beginning of the relevant fiscal year with its opinion, if any, attached thereto, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

- (3) Electricity Utilities must, when they have revised the Supply Plan, notify the Minister of Economy, Trade and Industry of the revised particulars via the Promoting Organization without delay.
- (4) The provisions of paragraph (2) apply mutatis mutandis to the case set forth in the preceding paragraph. In this case, the phrase "compile said plans, consider said plans" in paragraph (2) is deemed to be replaced with "consider said plans" and the phrase "prior to the beginning of the relevant fiscal year" is deemed to be replaced with "promptly."
- (5) The Minister of Economy, Trade and Industry may, upon finding that a Supply Plan is not appropriate for securing stable supply of electricity or otherwise realizing the comprehensive and reasonable development of Electricity Business through operations covering an extensive area, recommend that the Electricity Utility should revise said Supply Plan.
- (6) If the Minister of Economy, Trade and Industry has made recommendations pursuant to the preceding paragraph, said Minister may, when deeming it particularly necessary and appropriate, order the Electricity Utility to take the following measures; provided, however, that the Minister may not order a Wholesale Electricity Utility to take the measure set forth in item (iii):
 - (i) supply electricity to a General Electric Utility, Specified Electricity Utility or Specified-Scale Electricity Utility;
 - (ii) provide a Cross-Area Wheeling Service;
 - (iii) receive supply of electricity;
 - (iv) lease Electric Facilities to or from an Electricity Utility or share Electric Facilities with an Electricity Utility;
 - (v) in addition to what is listed in the preceding items, take such measures as specified by Ordinance of the Ministry of Economy, Trade and Industry as necessary for operations covering an extensive area.

Section 3 Supervision

(Business Improvement Order)

Article 30 The Minister of Economy, Trade and Industry may, when an Electricity Utility fails to make necessary repairs or take other measures immediately to eliminate any impediment in supply of electricity arising from

an accident, or said minister finds that the interest of electricity users is adversely affected because an Electricity Utility's operation of Electricity Business is not adequate, order said Electricity Utility to take measures necessary for improvement of Electricity Business.

(Supply Orders, etc.)

Article 31 (1) In the event that it hinders, or is likely to hinder, the securement of a stable supply of electricity, the Minister of Economy, Trade and Industry may, when finding it particularly necessary and appropriate in order to secure the public interest, order an Electricity Utility to take the following measures; provided, however, that the Minister cannot order a Wholesale Electricity Utility to take the measure set forth in item (iii):

- (i) supply electricity to a General Electric Utility, Specified Electricity Utility or Specified-Scale Electricity Utility;
- (ii) provide a Cross-Area Wheeling Service to an Electricity Utility;
- (iii) receive supply of electricity from an Electricity Utility;
- (iv) lease Electric Facilities to or from an Electricity Utility or share Electric Facilities with an Electricity Utility;
- (v) in addition to what is listed in the preceding items, take such measures as necessary for securement of stable supply of electricity by way of operations covering an extensive area.

(2) The Minister of Economy, Trade and Industry may, if finding that it is still difficult to secure a stable supply of electricity even after taking the measures specified in the preceding paragraph, when finding it particularly necessary and appropriate in order to secure the public interest, order a Wholesale Electricity Utility to take measures necessary to secure a supply of electricity to a General Electric Utility or otherwise to secure stable supply of electricity.

(3) The Minister of Economy, Trade and Industry may, if finding that it is still difficult to secure a stable supply of electricity even after taking the measures specified in the preceding two paragraphs, when finding it particularly necessary and appropriate in order to secure the public interest, recommend that a Specified Person Equipped With Electric Facilities for Private Use take measures necessary to secure the supply of electricity to a General Electric Utility or otherwise to secure a stable supply of electricity.

(4) If the Minister of Economy, Trade and Industry has made a recommendation pursuant to the preceding paragraph and a person who received such recommendation fails to follow this recommendation without justifiable grounds, said minister may make this fact public.

(5) The Minister of Economy, Trade and Industry is to, if having taken measures listed in paragraphs (1) through (3), immediately notify the Promoting Organization of the details of the measures.

(6) If an order has been issued pursuant to paragraph (1) or (2) or a recommendation has been made pursuant to paragraph (3), the amount payable or receivable by each party concerned and other details regarding the execution of the order or recommendation are determined by consultation between the parties.

Article 32 (1) When parties fail to consult as set forth in paragraph (6) of the preceding Article or to reach an agreement through consultation, either party may apply for an award by the Minister of Economy, Trade and Industry.

(2) The Minister of Economy, Trade and Industry must, if having received an application for award filed under the preceding paragraph, notify the other party to that effect and provide that party with the opportunity to submit a written answer within a designated period.

(3) The Minister of Economy, Trade and Industry must, if having issued an award pursuant to paragraph (1), notify the parties concerned to that effect without delay.

(4) If an award has been issued pursuant to paragraph (1), it is deemed that the parties concerned have reached an agreement through consultation as determined by the award.

Article 33 (1) A party that is dissatisfied with the amount payable or receivable by the relevant parties as determined by an award issued under paragraph (1) of the preceding Article may, within six months from the day when said relevant party is notified of the award, file a suit to request an increase or decrease of said amount.

(2) The suit set forth in the preceding paragraph is filed against the other relevant party.

(3) An objection to an award issued under paragraph (1) of the preceding Article may not be made based on dissatisfaction with the amount payable or receivable by the party.

Chapter III Accounting and Finance

(Keeping of Accounts, etc.)

Article 34 (1) Electricity Utilities (excluding Specified-Scale Electricity Utilities; hereinafter the same applies in the following paragraph, Article 35 and Article 36, paragraph (1)) must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, keep accounts by establishing the business year and classification of items of accounts, as well as formats for balance sheets, profit and loss statements, and other statements on finance and accounting.

(2) Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, submit statements on finance and accounting prescribed in the preceding paragraph to the Minister of Economy, Trade and Industry after the end of each business year.

(Keeping of Accounts by Category of Service of General Electric Utility)

Article 34-2 (1) General Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, keep accounts by category of service as follows:

- (i) service for supplying electricity to meet Specified-Scale Demand;
- (ii) service for supplying electricity to meet general demand (excluding, however, such service listed in the preceding item);
- (iii) services other than those listed in the preceding two items.

(2) General Electricity Utilities must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, submit documents stating the status of income and expenditure for each category of service prescribed in the preceding paragraph to the Minister of Economy, Trade and Industry after the end of each business year.

(Depreciation, etc.)

Article 35 The Minister of Economy, Trade and Industry may, when finding it particularly necessary in order to ensure the proper performance of Electricity Business (excluding Specified-Scale Electricity Business; hereinafter the same applies in this Article and the following Article), specify the means and amount of reserves or allowances, and order the Electricity Utility to set aside said reserves or allowances, and specify a reasonable way of calculating depreciation, and a reasonable amount of depreciation of fixed assets used for the Electricity Business.

(Drought Reserves)

Article 36 (1) If an Electricity Utility has achieved, each business year, an increase in income from Electricity Business or a decrease in expenditure in Electricity Business because the quantity of electricity generated at a hydroelectric power plant has surpassed the quantity specified by Ordinance of the Ministry of Economy, Trade and Industry due to an increase in river discharge, the Electricity Utility must set aside the amount of increase in income or decrease in expenditure as reserves for a water shortage, up to the amount specified by Ordinance of the Ministry of Economy, Trade and Industry.

(2) Except when permitted by the Minister of Economy, Trade and Industry for special reasons, the reserves for water shortage accumulated under the preceding paragraph must not be utilized for purposes other than allocating

them to cover a decrease in income from Electricity Business or an increase in expenditure for Electricity Business that has occurred each business year because the quantity of electricity generated at the hydroelectric power plant has been less than the quantity specified by Ordinance of the Ministry of Economy, Trade and Industry as a result of a decrease in river discharge.

- (3) The means of calculating the amount of increase or decrease in income or expenditure prescribed in the preceding two paragraphs are specified by Ordinance of the Ministry of Economy, Trade and Industry.

(General Security)

Article 37 (1) Bondholders for a corporation acting as a General Electric Utility (excluding, however, short-term bondholders prescribed in Article 66, item (i) of the Act on Book-Entry Transfer of Company Bonds, etc. (Act No. 75 of 2001)) have the right to receive payment of their claims from the corporation's property in preference over other creditors.

- (2) The rank of the statutory lien set forth in the preceding paragraph is to be the second to general statutory lien prescribed in the Civil Code (Act No. 89 of 1896).

Part III Electric Facilities

Chapter I Definitions

Article 38 (1) The term "Electric Facilities for General Use" as used in this Act means the following Electric Facilities; provided, however, that it does not include those installed in the same premises (including areas similar thereto; hereinafter the same applies) together with Electric Facilities for electricity generation other than small capacity generation facilities, or those installed at places specified by Ordinance of the Ministry of Economy, Trade and Industry if, due to the existence of explosive or inflammable substances, there is high risk of the occurrence of an accident from Electric Facilities:

- (i) Electric Facilities for receiving electricity from another person at a voltage lower than that specified by Ordinance of the Ministry of Economy, Trade and Industry and using the electricity thus received at the same premises where it has been received (including small capacity generation facilities installed in the same premises and electrically connected with such Electric Facilities), which are electrically connected with Electric Facilities installed outside the premises only via the electric lines used for receiving electricity;
- (ii) small capacity generation facilities installed at the premises (including Electric Facilities installed at the same premises and electrically connected with such generation facilities for using electricity), which are electrically connected with Electric Facilities installed outside the premises only via the

- electric lines used by another person at said premises for receiving electricity at a voltage lower than that specified by Ordinance of the Ministry of Economy, Trade and Industry under the preceding item;
- (iii) Electric Facilities specified by Ordinance of the Ministry of Economy, Trade and Industry as similar to what is listed in the preceding two items.
- (2) The term "small capacity generation facilities" as used in the preceding paragraph means Electric Facilities specified by Ordinance of the Ministry of Economy, Trade and Industry for electricity generation at a voltage lower than that specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The term "Electric Facilities for Business Use" as used in this Act means Electric Facilities other than Electric Facilities for General Use.
- (4) The term "Electric Facilities for Private Use" as used in this Act means Electric Facilities other than Electric Facilities used for Electricity Business and Electric Facilities for General Use.

Chapter II Electric Facilities for Business Use

Section 1 Conformity to Technical Standards

(Maintenance of Electric Facilities for Business Use)

- Article 39 (1) A person equipped with Electric Facilities for Business Use must maintain the Electric Facilities for Business Use to ensure that they conform to the technical standards established by Ordinance of the Competent Ministry.
- (2) The Ordinance of the Competent Ministry set forth in the preceding paragraph must be formulated in accordance with the following:
- (i) Electric Facilities for Business Use do not cause bodily harm nor cause damage to objects;
 - (ii) Electric Facilities for Business Use do not cause electric nor magnetic interference with the functioning of other electric equipment or objects;
 - (iii) damage to Electric Facilities for Business Use does not significantly hinder the supply of electricity by a General Electric Utility;
 - (iv) if Electric Facilities for Business Use are used for General Electricity Business, damage to the Electric Facilities for Business Use does not significantly hinder the supply of electricity pertaining to General Electricity Business.

(Order for Conformity to Technical Standards)

- Article 40 The competent minister may, when finding that Electric Facilities for Business Use do not conform to the technical standards established by Ordinance of the Competent Ministry under paragraph (1) of the preceding Article, order the person equipped with the Electric Facilities for Business Use to repair or alter the Electric Facilities for Business Use to ensure conformity

to the technical standards, or order the person to relocate the facilities or suspend the use of them, or restrict the person from using the facilities.

(Sharing of Expenses, etc.)

Article 41 (1) If Electric Facilities for Business Use have ceased to conform to the technical standards established by Ordinance of the Competent Ministry under Article 39, paragraph (1) as a result of the installation of electric equipment or other items owned by another person (excluding, however, those specified by Cabinet Order), necessary measures to be taken to ensure conformity to the technical standards or the means of sharing expenses for such measures are determined through consultation between the parties; provided, however, that if the means of sharing expenses is specified by Cabinet Order, such means apply.

(2) The provisions of Article 32 and Article 33 apply *mutatis mutandis* if the parties have failed to consult as set forth in the preceding paragraph or reach an agreement through consultation. In this case, the term "the Minister of Economy, Trade and Industry" in the provisions of Article 32, paragraphs (1) to (3) is deemed to be replaced with "the competent minister"

(3) The competent minister must, when intending to issue an award under Article 32, paragraph (1) as applied *mutatis mutandis* pursuant to the preceding paragraph, consult with the ministers concerned in advance pursuant to the provisions of Cabinet Order.

Section 2 Independent Safety Measures

(Safety Regulations)

Article 42 (1) A person equipped with Electric Facilities for Business Use must, in order to ensure safety of the construction, maintenance and operation of the Electric Facilities for Business Use, pursuant to the provisions of Ordinance of the Competent Ministry, establish safety regulations for each organization in charge of the Electric Facilities for Business Use, the safety of which should be secured uniformly, and notify the competent minister of the regulations before commencement of the use of the Electric Facilities for Business Use by the organization (in the case of facilities requiring self-inspection set forth in Article 51, paragraph (1) or operator's inspection set forth in Article 52, paragraph (1), before the commencement of the construction of the facilities).

(2) A person equipped with Electric Facilities for Business Use must, when having revised the safety regulations, notify the competent minister of the revised particulars without delay.

(3) The competent minister may, when finding it necessary in order to ensure safety of the construction, maintenance, and operation of Electric Facilities for

Business Use, order the person equipped with the Electric Facilities for Business Use to revise the safety regulations.

- (4) A person equipped with Electric Facilities for Business Use and employees thereof must observe the safety regulations.

(Chief Engineer)

Article 43 (1) A person equipped with Electric Facilities for Business Use must, pursuant to the provisions of Ordinance of the Competent Ministry, appoint one or more chief engineers from among persons who have a chief engineering license in order to have said chief engineer supervise the safety of the construction, maintenance, and operation of the facilities.

- (2) Notwithstanding the provisions of the preceding paragraph, a person equipped with Electric Facilities for Private Use may, when permitted by the competent minister, appoint a person who does not have a chief engineering license as a chief engineer.

- (3) A person equipped with Electric Facilities for Business Use must, when having appointed a chief engineer (excluding, however, cases of an appointment permitted under the preceding paragraph), notify the competent minister to that effect without delay. The same applies when such person has dismissed the chief engineer.

- (4) The chief engineer must perform the duty of supervising the safety of the construction, maintenance, and operation of Electric Facilities for Business Use in good faith.

- (5) People who are engaged in the construction, maintenance or operation of Electric Facilities for Business Use must follow the instructions given by the chief engineer to ensure the safety thereof.

(Chief Engineering License)

Article 44 (1) The types of chief engineering license are as follows.

- (i) First-Class Chief Electricity Engineering License;
- (ii) Second-Class Chief Electricity Engineering License;
- (iii) Third-Class Chief Electricity Engineering License;
- (iv) First-Class Chief Dam/Waterway Engineering License;
- (v) Second-Class Chief Dam/Waterway Engineering License;
- (vi) First-Class Chief Boiler/Turbine Engineering License;
- (vii) Second-Class Chief Boiler/Turbine Engineering License.

- (2) A chief engineering license is granted by the Minister of Economy, Trade and Industry to persons who fall under any of the following:

- (i) a person who holds the academic record or qualification and work experience specified by Ordinance of the Ministry of Economy, Trade and Industry for each type of chief engineering license;

- (ii) with respect to the types of chief engineering licenses listed in items (i) to (iii) of the preceding paragraph, a person who has passed an examination for a chief electricity engineering license.
- (3) The Minister of Economy, Trade and Industry may choose not to grant a chief engineering license to persons who fall under any of the following:
 - (i) a person who was ordered to return their chief engineering license pursuant to the following paragraph, before the elapsing of a period of one year since the person was thus ordered;
 - (ii) a person who was sentenced to a fine or more severe punishment for violation of this Act or any order issued under this Act, before the elapsing of a period of two years since the person served out the sentence or ceased to be subject to the sentence.
- (4) If a person who has a chief engineering license has violated this Act or any order issued under this Act, the Minister of Economy, Trade and Industry may order that person to return their chief engineering license.
- (5) The scope of the construction, maintenance and operation of the Electric Facilities for Business Use for which a person who has a chief engineering license is in charge of safety supervision as well as the procedural particulars concerning the grant of a chief engineering license are specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Entrustment of Licensing Affairs)

- Article 44-2 (1) The Minister of Economy, Trade and Industry may, pursuant to the provisions of Cabinet Order, entrust all or a part of the affairs concerning chief engineering licenses (limited, however, to those listed in paragraph (1), items (i) to (iii) of the preceding Article) to a Designated Examining Body set forth in paragraph (2) of the following Article (these affairs do not include the affairs concerning the return of a chief engineering license nor other affairs specified by Cabinet Order; hereinafter referred to as "Licensing Affairs").
- (2) Current or former officers or employees of a Designated Examining Body entrusted with the Licensing Affairs under the preceding paragraph must not divulge any confidential information that they have become aware of in the course of administering the entrusted Licensing Affairs.

(Examinations for Chief Electricity Engineering Licenses)

- Article 45 (1) Examinations for a chief electricity engineering license are conducted by the Minister of Economy, Trade and Industry for each type of chief engineering license with respect to the knowledge and skills required for ensuring safety in the construction, maintenance and operation of Electric Facilities for Business Use.
- (2) The Minister of Economy, Trade and Industry may designate a person

(hereinafter referred to as a "Designated Examining Body") and have such person administer the affairs concerning an examination for a chief electricity engineering license (hereinafter referred to as "Examination Affairs").

(3) The subjects of an examination for a chief electricity engineering license, procedures for participating in the examination and other details concerning the examination for a chief electricity engineering license are specified by Ordinance of the Ministry of Economy, Trade and Industry.

Article 46 Deleted

Section 3 Special Provisions Concerning Environmental Impact Assessment

(Environmental Impact Assessment on Electric Facilities for Business Use)

Article 46-2 An environmental impact assessment prescribed in Article 2, paragraph (1) of the Environmental Impact Assessment Act (Act No. 81 of 1997) on a construction project to install or modify Electric Facilities for Business Use that falls under the category of Class 1 Projects prescribed in paragraph (2) of said Article or the category of Class 2 Projects prescribed in paragraph (3) of said Article (hereinafter referred to as an "Environmental Impact Assessment") and relevant procedures are as provided for by said Act and this Section.

(Environmental Impact Assessment by Simple Procedure)

Article 46-3 A person who intends to implement a construction project to install or modify Electric Facilities for Business Use that falls under the category of Class 2 Projects prescribed in Article 2, paragraph (3) of the Environmental Impact Assessment Act, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, state in a document set forth in the first sentence of Article 4, paragraph (1) of said Act, the particulars prescribed in the first sentence of said paragraph as well as the results of an Environmental Impact Assessment conducted by a simple procedure specified by Ordinance of the Ministry of Economy, Trade and Industry for the construction project.

(Preparation of Assessment Documents)

Article 46-4 A person who intends to implement a construction project to install or modify Electric Facilities for Business Use that falls under the category of relevant projects prescribed in Article 2, paragraph (4) of the Environmental Impact Assessment Act (such projects are hereinafter referred to as "Specific Relevant Projects," and such a person is hereinafter referred to as a "Specific

Proponent") must state in an assessment document concerning the environmental impact assessment set forth in Article 5, paragraph (1) of said Act (hereinafter be referred to as a "Assessment Document") the items to be considered in an Environmental Impact Assessment of the Specific Relevant Project as well as the survey, prediction and assessment means to be employed, notwithstanding the provisions of item (vii) of said paragraph.

(Submission of Assessment Documents)

Article 46-5 Specific Proponents must, when submitting an Assessment Document pursuant to Article 6, paragraph (1) of the Environmental Impact Assessment Act, also submit the document and a summary thereof to the Minister of Economy, Trade and Industry.

(Submission of an Outline of Comments on Assessment Documents)

Article 46-6 (1) Specific Proponents must state in a document set forth in Article 9 of the Environmental Impact Assessment Act the particulars prescribed in said Article as well as the proponent's view on the comments given under Article 8, paragraph (1) of said Act.

(2) Specific Proponents must, when submitting documents pursuant to Article 9 of the Environmental Impact Assessment Act, also submit the documents to the Minister of Economy, Trade and Industry.

(Comments of Municipal or Prefectural Governors, etc. on Assessment Documents)

Article 46-7 (1) Comments of a municipal or prefectural governors set forth in Article 10, paragraph (1) of the Environmental Impact Assessment Act as well as comments of a mayors specified by Cabinet Order set forth in paragraph (4) of said Article and municipal or prefectural governor set forth in paragraph (5) of said Article that relate to a Specific Relevant Project are to, notwithstanding the provisions of said paragraphs, be submitted as comments to be given under said paragraphs to the Minister of Economy, Trade and Industry instead of the proponent.

(2) In relation to comments set forth in Article 10, paragraph (1) of the Environmental Impact Assessment Act that relate to a Specific Relevant Project, a municipal or prefectural governor must give due consideration to the proponent's views stated in the document set forth in Article 9 of said Act pursuant to paragraph (1) of the preceding Article, in addition to due consideration as required by Article 10, paragraph (3) of said Act.

(3) In relation to comments set forth in Article 10, paragraph (4) of the Environmental Impact Assessment Act that relate to a Specific Relevant Project, a mayor specified by Cabinet Order set forth in said paragraph must

give due consideration to the proponent's views stated in the document set forth in Article 9 of said Act pursuant to paragraph (1) of the preceding Article, in addition to due consideration as required by Article 10, paragraph (6) of said Act.

(Recommendations on Assessment Documents)

Article 46-8 (1) If an Assessment Document has been submitted pursuant to Article 46-5, and the Minister of Economy, Trade and Industry finds it necessary in order to examine the Assessment Document and ensure that due consideration will be given to environmental preservation in the Specific Relevant Project pertaining to said Assessment Document, while taking into account the outline of the municipal or prefectural governor's comments given under Article 10, paragraph (1) of the Environmental Impact Assessment Act or comments of a mayor specified by Cabinet Order set forth in paragraph (4) of said Article and a municipal or prefectural governor set forth in paragraph (5) of said Article, if any, as well as the outline of the comments under Article 8, paragraph (1) of said Act and the proponent's views thereon, which are submitted pursuant to Article 46-6, paragraph (2), the Minister may, within a period specified by Ordinance of the Ministry of Economy, Trade and Industry from the day when the submission made under Article 46-5 is received, make necessary recommendations to the Specific Proponent regarding the items to be considered in an Environmental Impact Assessment on the Specific Relevant Project as well as the survey, prediction and means of assessment to be employed.

(2) The Minister of Economy, Trade and Industry must, when finding it unnecessary to make recommendations pursuant to the preceding paragraph, notify the Specific Proponent to that effect without delay.

(3) The Minister of Economy, Trade and Industry must, when making recommendations pursuant to paragraph (1) or giving notification pursuant to the preceding paragraph, also send a copy of the document set forth in Article 10, paragraph (1) of the Environmental Impact Assessment Act or the document set forth in paragraph (4) of said Article and the document set forth in paragraph (5) of said Article, if any, to the Specific Proponent.

(Selection of Items of Environmental Impact Assessment, etc.)

Article 46-9 If recommendations have been made pursuant to paragraph (1) of the preceding Article, the Specific Proponent must make a review pursuant to Article 11, paragraph (1) of the Environmental Impact Assessment Act, while taking into account pursuant to said paragraph, the comments given under Article 10, paragraph (1), (4) or (5) of said Act as well as the comments given under Article 8, paragraph (1) of said Act, and referring to the

recommendations.

(Preparation of Drafts of Environmental Impact Statements)

Article 46-10 A Specific Proponent must state in drafts of environmental impact statements as set forth in Article 14, paragraph (1) of the Environmental Impact Assessment Act (hereinafter referred to as a "Draft EIS") the particulars listed in the items of said paragraph as well as the content of the recommendations made under Article 46-8, paragraph (1).

(Submission of a Draft EIS)

Article 46-11 A Specific Proponent must, when submitting a draft EIS pursuant to Article 15 of the Environmental Impact Assessment Act, also submit said draft EIS and a summary thereof to the Minister of Economy, Trade and Industry.

(Submission of an Outline of Comments on a Draft EIS, etc.)

Article 46-12 A Specific Proponent must, when submitting the documents set forth in Article 19 of the Environmental Impact Assessment Act, also submit the documents to the Minister of Economy, Trade and Industry.

(Comments of Relevant Municipal or Prefectural Governors, etc. on a Draft EIS)

Article 46-13 Comments of relevant municipal or prefectural governors set forth in Article 20, paragraph (1) of the Environmental Impact Assessment Act as well as comments of a mayor specified by Cabinet Order set forth in paragraph (4) of said Article and a relevant municipal or prefectural governor set forth in paragraph (5) of said Article that relate to a Specific Relevant Project are to, notwithstanding the provisions of said paragraphs, be submitted to the Minister of Economy, Trade and Industry instead of the proponent, as comments to be given under said paragraphs.

(Recommendations on a Draft EIS)

Article 46-14 (1) If a Draft EIS has been submitted pursuant to Article 46-11, and the Minister of Economy, Trade and Industry finds it necessary in order to examine the Draft EIS and ensure that due consideration will be given to environmental preservation in the Specific Relevant Project pertaining to the Draft EIS, while taking into account the relevant municipal or prefectural governor's comments given under Article 20, paragraph (1) of the Environmental Impact Assessment Act or comments of a mayor specified by Cabinet Order set forth in paragraph (4) of said Article and a relevant municipal or prefectural governor set forth in paragraph (5) of said Article, if

any, as well as the outline of the comments under Article 18, paragraph (1) of said Act and the proponent's views thereon, which are submitted pursuant to Article 46-12, the Minister may, within a period specified by Ordinance of the Ministry of Economy, Trade and Industry from the day when the submission made under Article 46-11 is received, make necessary recommendations to the Specific Proponent regarding an Environmental Impact Assessment on the Specific Relevant Project.

- (2) The Minister of Economy, Trade and Industry must, when conducting an examination pursuant to the preceding paragraph, consult with the Minister of the Environment from the standpoint of preserving the environment.
- (3) The Minister of Economy, Trade and Industry must, when finding it unnecessary to make recommendations pursuant to paragraph (1), notify the Specific Proponent to that effect without delay.
- (4) The Minister of Economy, Trade and Industry must, when making recommendations pursuant to paragraph (1) or gives notification pursuant to the preceding paragraph, also send a copy of the document set forth in Article 20, paragraph (1) of the Environmental Impact Assessment Act or the document set forth in paragraph (4) of said Article and the document set forth in paragraph (5) of said Article, if any, to the Specific Proponent.

(Preparation of Environmental Impact Statements)

Article 46-15 (1) If recommendations have been made pursuant to paragraph (1) of the preceding Article, the Specific Proponent must make a review pursuant to Article 21, paragraph (1) of the Environmental Impact Assessment Act, while taking into account pursuant to said paragraph, the comments given under Article 20, paragraph (1), (4) or (5) of said Act as well as the comments given under Article 18, paragraph (1) of said Act, and referring to the recommendations.

- (2) Specific Proponents must state in environmental impact statements set forth in Article 21, paragraph (2) of the Environmental Impact Assessment Act (hereinafter referred to as an "EIS") the particulars listed in the items of said paragraph as well as the content of the recommendations made under Article 46-8, paragraph (1) and paragraph (1) of the preceding Article.

(Submission of EIS)

Article 46-16 Specific Proponents must, when having prepared an EIS pursuant to Article 21, paragraph (2) of the Environmental Impact Assessment Act, submit said EIS to the Minister of Economy, Trade and Industry. The same applies if the Specific Proponent has revised the EIS in response to an order issued under paragraph (1) of the following Article.

(Order for Revision)

Article 46-17 (1) When the Minister of Economy, Trade and Industry finds it necessary and appropriate in order to ensure that due consideration will be given to environmental preservation in the Specific Relevant Project pertaining to the EIS submitted under the preceding Article, said minister may, within a period specified by Ordinance of the Ministry of Economy, Trade and Industry from the day when the submission made under said Article is received, order the Specific Proponent to revise the EIS, within a reasonable time limit set by the Minister of Economy, Trade and Industry.

(2) The Minister of Economy, Trade and Industry must, when finding it unnecessary to issue an order pursuant to the preceding paragraph, notify the Specific Proponent to that effect without delay.

(Submission of EIS)

Article 46-18 (1) The Minister of Economy, Trade and Industry must, when having given notification pursuant to paragraph (2) of the preceding Article, send a copy of the EIS to which the notification pertained to the Minister of the Environment.

(2) Specific Proponents must, when having received notification pursuant to paragraph (2) of the preceding Article, promptly submit to the relevant municipal or prefectural governor(s) and relevant mayor(s) prescribed in Article 15 of the Environmental Impact Assessment Act the EIS to which the notification pertained, a summary thereof, and a document stating the content of the order issued under paragraph (1) of the preceding Article.

(Making EIS Public and Available for Public Inspection)

Article 46-19 In cases of the application of Article 27 of the Environmental Impact Assessment Act to a Specific Proponent, the phrase "made submission or notification pursuant to Article 25, paragraph (3)" in said Article is deemed to be replaced with "received notification pursuant to Article 46-17, paragraph (2) of the Electricity Business Act," the term "EIS" is deemed to be replaced with "EIS to which the notification pertained," and the phrase "EIS and other relevant documents" is deemed to be replaced with "EIS to which the notification pertained, a summary thereof, and a document stating the content of the order issued under paragraph (1) of said Article."

(Consideration of Environmental Preservation)

Article 46-20 Specific Proponents must implement Specific Relevant Projects while giving due consideration to environmental preservation pursuant to Article 38, paragraph (1) of the Environmental Impact Assessment Act, and must maintain and operate the Electric Facilities for Business Use pertaining

to the Specific Relevant Project while giving due consideration to environmental preservation based on the content of the EIS to which the notification given under Article 46-17, paragraph (2) pertained.

(Publication of Reports)

Article 46-21 In cases of the application of Article 38-3, paragraph (1) of the Environmental Impact Assessment Act to a Specific Proponent, the phrase "it as well as send it to a person who has received the report under Article 21, paragraph (2) pursuant to Article 22, paragraph (1)" in said paragraph is deemed to be replaced with "it."

(Technical Replacement of Terms and Phrases upon Application of the Environmental Impact Assessment Act)

Article 46-22 Beyond what is provided for in this Section, the technical replacement of terms and phrases upon applying the Environmental Impact Assessment Act to a Specific Proponent and other necessary particulars concerning the application of said Act to a Specific Proponent are specified by Cabinet Order.

(Exclusion from Application of the Environmental Impact Assessment Act)

Article 46-23 The provisions of Articles 22 to 26, Articles 33 to 37, Article 38-3, paragraph (2), Article 38-4 and Article 38-5 of the Environmental Impact Assessment Act do not apply to a Specific Relevant Project to be implemented by a Specific Proponent.

Section 4 Construction Plans and Inspections

(Construction Plans)

- Article 47 (1) A person who intends to implement a construction project to install or modify Electric Facilities for Business Use, when such construction project has been specified by Ordinance of the Competent Ministry as being particularly important for assuring public safety, must obtain approval of the plans for said construction project from the competent minister; provided, however, that this does not apply to any unavoidable temporary work to be implemented in the event of loss of or damage to Electric Facilities for Business Use or in the event of a disaster or other emergency.
- (2) A person who has obtained approval under the preceding paragraph and intends to revise the approved construction plan must obtain approval of the revision from the competent minister; provided, however, that this does not apply to any minor revision specified by Ordinance of the Competent Ministry.
- (3) The competent minister must, when finding that the construction plan to

which the application for approval under the preceding two paragraphs pertained conforms to all of the following items, grant approval under the preceding two paragraphs:

- (i) the Electric Facilities for Business Use conform to the technical standards established by Ordinance of the Competent Ministry under Article 39, paragraph (1);
 - (ii) if the Electric Facilities for Business Use are used for General Electricity Business, the Electric Facilities for Business Use are technically appropriate for securing the smooth supply of electricity;
 - (iii) in the case of a construction plan for a Specific Relevant Project, the plan is in accordance with the EIS to which the notification given under Article 46-17, paragraph (2) pertained with respect to the Specific Relevant Project;
 - (iv) in the case of a construction plan for a Class 2 Project prescribed in Article 2, paragraph (3) of the Environmental Impact Assessment Act (excluding a Specific Relevant Project), the measures set forth in Article 4, paragraph (3), item (ii) of said Act (including cases where it is applied *mutatis mutandis* pursuant to paragraph (4) of said Article and Article 29, paragraph (2) of said Act) have been taken.
- (4) In the case referred to in the proviso of paragraph (1), a person equipped with Electric Facilities for Business Use must, after having commenced the construction project, notify the competent minister to that effect without delay.
- (5) In the case referred to in the proviso of paragraph (2), a person who has obtained approval under paragraph (1) must, after having revised the construction plan, notify the competent minister of the revised construction plan without delay; provided, however, that this does not apply to the cases specified by Ordinance of the Competent Ministry.

Article 48 (1) A person who intends to implement a construction project to install or modify Electric Facilities for Business Use (excluding, however, those specified by the Ordinance of the Competent Ministry under paragraph (1) of the preceding Article), which is specified by Ordinance of the Competent Ministry, must notify the competent minister of the construction project plan. The same applies if the person intends to revise the construction plan (excluding, however, any minor revision specified by Ordinance of the Competent Ministry).

- (2) The person who has given notification pursuant to the preceding paragraph must not commence the construction project to which the notification pertained until 30 days have elapsed from the day when the notification was received.
- (3) The competent minister may, when finding that the construction plan for which notification was given pursuant to paragraph (1) conforms to all of the following items, shorten the period prescribed in the preceding paragraph:

- (i) the requirements listed in the items of paragraph (3) of the preceding Article;
 - (ii) in the case of a construction project concerning Electric Facilities for Business Use for electricity generation by means of hydropower, the Electric Facilities for Business Use are technically appropriate for assuring the effective utilization of hydropower for electricity generation.
- (4) When the competent minister finds that the construction plan for which notification was given pursuant to paragraph (1) fails to conform to any of the items of the preceding paragraph, said minister may, within 30 days from the day when the notification is received (if the period prescribed in paragraph (2) has been extended pursuant to the next paragraph, the extended period), order the person who has given said notification to revise or discontinue the construction plan.
- (5) The competent minister may, when having reasonable grounds for believing that it will take a considerable period of time to examine whether or not the construction plan for which notification was given pursuant to paragraph (1) conforms to the items of paragraph (3) and that such examination will not be completed within the period prescribed in paragraph (2), extend said period of time up to one that said minister considers reasonable. In this case, the competent minister must without delay notify the person who has given the notification of the extended period, along with the reason for extension.

(Pre-use Inspections)

- Article 49 (1) Electric Facilities for Business Use to be installed or modified according to a construction plan approved under Article 47, paragraph (1) or paragraph (2) or Electric Facilities for Business Use to be installed or modified according to a construction plan for which notification was given pursuant to paragraph (1) of the preceding Article (if an order has been issued with respect to the construction plan relating to Electric Facilities pursuant to paragraph (4) of said Article, but notification has not yet been given pursuant to paragraph (1) of said Article, such facilities are excluded), which are specified by Ordinance of the Competent Ministry as being particularly important for ensuring public safety (hereinafter referred to as "Specific Electric Facilities for Business Use" in Article 112-3, paragraph (3)) must not be used unless and until they undergo and pass an inspection conducted by the competent minister with respect to the construction project pursuant to the provisions of Ordinance of the Competent Ministry; provided, however, that this does not apply to the cases specified by Ordinance of the Competent Ministry.
- (2) Electric Facilities for Business Use that conform to all of the following items pass the inspection set forth in the preceding paragraph:
- (i) the construction project for the facilities has been implemented according to

the construction plan approved under Article 47, paragraph (1) or paragraph (2) (including plans that follow any minor revision specified by Ordinance of the Competent Ministry under the proviso of said paragraph) or the construction plan for which notification was given pursuant to paragraph (1) of the preceding Article (including such plan following any minor revision specified by Ordinance of the Competent Ministry under the second sentence of said paragraph);

(ii) the facilities conform to the technical standards established by Ordinance of the Competent Ministry under Article 39, paragraph (1);

Article 50 (1) If the competent minister has conducted the inspection pursuant to paragraph (1) of the preceding Article with respect to the Electric Facilities for Business Use prescribed in said paragraph and finds it unavoidable, said minister may regard the Electric Facilities for Business Use as having provisionally passed the inspection, designating the timeframe and means of use thereof.

(2) Notwithstanding the provisions of paragraph (1) of the preceding Article, Electric Facilities for Business Use regarded as having provisionally passed the inspection pursuant to the preceding paragraph are not precluded from being used within the period specified under the preceding paragraph by the means specified under said paragraph.

(Pre-use Safety Management Inspections)

Article 51 (1) A person equipped with Electric Facilities for Business Use to be installed or modified according to the construction plan for which notification was given pursuant to Article 48, paragraph (1) (if an order has been issued with respect to the construction plan relating to Electric Facilities pursuant to paragraph (4) of said Article, but notification has not yet been given pursuant to paragraph (1) of said Article, such facilities are excluded; the facilities specified by Ordinance of the Competent Ministry under Article 49, paragraph (1) are also excluded), which are specified by Ordinance of the Competent Ministry, must conduct a self-inspection of the Electric Facilities for Business Use before commencing the use thereof, record the inspection results, and keep such records on file, pursuant to the provisions of Ordinance of the Competent Ministry.

(2) In the self-inspection set forth in the preceding paragraph (hereinafter referred to as the "Pre-use Self-Inspection"), it must be confirmed that the Electric Facilities for Business Use conform to all of the following items:

(i) the construction project for the facilities has been implemented according to the construction plan for which notification was given pursuant to Article 48, paragraph (1) (including such plan following any minor revision specified by

- Ordinance of the Competent Ministry under the second sentence of said paragraph);
- (ii) the facilities conform to the technical standards established by Ordinance of the Competent Ministry under Article 39, paragraph (1).
- (3) A person equipped with Electric Facilities for Business Use subject to a Pre-use Self-Inspection must, within the period specified by Ordinance of the Competent Ministry (if notification has been given under paragraph (7), the period specified by Ordinance of the Competent Ministry depending on the past evaluation of the Pre-use Self-Inspection to which the notification pertained), submit the system for conducting a Pre-use Self-Inspection to undergo examination by a person registered by the Minister of Economy, Trade and Industry if the person installs Electric Facilities for Business Use other than Electric Facilities for Business Use for electricity generation by means of nuclear power which are specified by Ordinance of the Ministry of Economy, Trade and Industry, or examination by the competent minister in the case of other persons.
- (4) The examination set forth in the preceding paragraph is conducted, in accordance with the principle of ensuring safety management for Electric Facilities for Business Use, with respect to the organization in charge of a Pre-use Self-Inspection, inspection means, process management, and other particulars specified by Ordinance of the Competent Ministry.
- (5) A person registered by the Minister of Economy, Trade and Industry under paragraph (3) must, when having completed the examination set forth in said paragraph, notify the Minister of Economy, Trade and Industry of the examination results pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry without delay.
- (6) The competent minister must, based on the results of the examination conducted under paragraph (3) (including examination results for which notification was given pursuant to the preceding paragraph), comprehensively evaluate the system for conducting a Pre-use Self-Inspection submitted by the person equipped with the Electric Facilities for Business Use.
- (7) The competent minister must notify the person who has undergone the examination under paragraph (3) of the results of the examination as well as the results of the evaluation set forth in the preceding paragraph.

(Safety Management Inspections on Welding)

Article 52 (1) A person equipped with Electric Facilities falling under the category of boilers, turbines and other machines or apparatus for electricity generation specified by Ordinance of the Competent Ministry (hereinafter referred to as "Boilers, etc."), of which some parts are to be welded under a pressure higher than that specified by Ordinance of the Competent Ministry

(hereinafter referred to as "Pressure Parts"), or imported Boilers, etc. of which Pressure Parts are welded must, pursuant to the provisions of Ordinance of the Competent Ministry with respect to welding, conduct an operator's inspection of the Electric Facilities before commencing the use thereof, record the results of the inspection and keep such records on file; provided, however, that this does not apply to the cases specified by Ordinance of the Competent Ministry.

(2) In the inspection set forth in the preceding paragraph (hereinafter referred to as the "Operator's Inspection on Welding"), it is necessary to confirm that the welding conforms to the technical standards established by Ordinance of the Competent Ministry under Article 39, paragraph (1).

(3) A person equipped with Electric Facilities subject to an Operator's Inspection on Welding must, within the period specified by Ordinance of the Competent Ministry (if notification has been given under paragraph (7) of the preceding Article as applied mutatis mutandis pursuant to paragraph (5), the period specified by Ordinance of the Competent Ministry depending on the past evaluation of the Operator's Inspection on Welding to which the notification pertained), submit the system for conducting an Operator's Inspection on Welding to undergo examination by a person registered by the Minister of Economy, Trade and Industry.

(4) The examination set forth in the preceding paragraph is conducted, in accordance with the principle of ensuring safety management for Electric Facilities, with respect to the organization in charge of Operator's Inspections on Welding, inspection means, process control, and other particulars specified by Ordinance of the Competent Ministry.

(5) The provisions of paragraphs (5) to (7) of the preceding Article apply mutatis mutandis to the examination set forth in paragraph (3). In this case, the term "the Electric Facilities for Business Use" in paragraph (6) of said Article is deemed to be replaced with "the Electric Facilities."

(Commencement of Use of Electric Facilities for Private Use)

Article 53 A person equipped with Electric Facilities for Private Use must, after having begun to use the Electric Facilities for Private Use, notify the competent minister to that effect without delay; provided, however, that this does not apply to cases of using Electric Facilities for Private Use for which approval has been granted under Article 47, paragraph (1) or for which notification was given under paragraph (4) of said Article or Article 48, paragraph (1) and to the cases specified by Ordinance of the Competent Ministry.

(Periodic Inspections)

Article 54 A person equipped with Specified Essential Electric Facilities (which

means boilers, turbines and other Electric Facilities for electricity generation, which are specified by Ordinance of the Competent Ministry as being particularly important for ensure public safety and have some parts exposed to pressures higher than those specified by Ordinance of the Competent Ministry, as well as nuclear reactors for electricity generation and auxiliary equipment thereof, which are specified by Ordinance of the Competent Ministry) must, pursuant to the provisions of Ordinance of the Competent Ministry, undergo an inspection conducted by the competent minister at an interval specified by Ordinance of the Competent Ministry; provided, however, that this does not apply to the cases specified by Ordinance of the Competent Ministry.

(Periodic Safety Management Inspections)

- Article 55 (1) A person equipped with Specific Electric Facilities (which means boilers, turbines and other Electric Facilities for electricity generation, which are specified by Ordinance of the Competent Ministry and have some parts exposed to pressures higher than those specified under the preceding Article, as well as nuclear reactors for electricity generation and auxiliary equipment thereof, which are specified by Ordinance of the Competent Ministry; hereinafter the same applies) must, pursuant to the provisions of Ordinance of the Competent Ministry, conduct an operator's inspection of the Specific Electric Facilities at periodic intervals, record the inspection results, and keep such records on file.
- (2) In the inspection set forth in the preceding paragraph (hereinafter referred to as a "Periodic Operator's Inspection"), it is necessary to confirm that the Specific Electric Facilities conform to the technical standards established by Ordinance of the Competent Ministry under Article 39, paragraph (1).
- (3) When a person equipped with Specific Electric Facilities subject to a Periodic Operator's Inspection finds in the Periodic Operator's Inspection that any parts of the Specific Electric Facilities for electricity generation by means of nuclear power, which are specified by Ordinance of the Competent Ministry, are no longer likely to conform to the technical standards established by Ordinance of the Competent Ministry under Article 39, paragraph (1) after a certain period of time has elapsed, that person must, pursuant to the provisions of Ordinance of the Competent Ministry, estimate the time when such parts will cease to conform to the technical standards established by Ordinance of the Ministry of Economy, Trade and Industry under said paragraph and other particulars specified by Ordinance of the Competent Ministry, record the estimation results and keep such records on file, as well as report on the particulars specified by Ordinance of the Competent Ministry to the competent minister.
- (4) A person equipped with Specific Electric Facilities subject to a Periodic Operator's Inspection must, within the period specified by Ordinance of the

Competent Ministry (if notification has been given under Article 51, paragraph (7) as applied mutatis mutandis pursuant to paragraph (6), the period specified by Ordinance of the Competent Ministry depending on the past evaluation of the Periodic Operator's Inspection to which the notification pertained), submit the system for conducting a Periodic Operator's Inspection to undergo examination by a person registered by the Minister of Economy, Trade and Industry if that person installs Specific Electric Facilities other than Specific Electric Facilities for electricity generation by means of nuclear power, which are specified by Ordinance of the Ministry of Economy, Trade and Industry, or examination by the Minister of Economy, Trade and Industry in the case of other persons.

- (5) The examination set forth in the preceding paragraph is conducted, in accordance with the principle of ensuring safety management for Specific Electric Facilities, with respect to the organization in charge of a Periodic Operator's Inspection, inspection means, process control, and other particulars specified by Ordinance of the Competent Ministry.
- (6) The provisions of Article 51, paragraphs (5) to (7) apply mutatis mutandis to the examination set forth in paragraph (4). In this case, the phrase "paragraph (3)" in paragraph (5) of said Article is deemed to be replaced with "paragraph (4)," and the term "the Electric Facilities for Business Use" in paragraph (6) of said Article is deemed to be replaced with "the Specific Electric Facilities."

Section 5 Succession

(Succession to the Status of a Person Equipped With Electric Facilities for Business Use)

- Article 55-2 (1) In the event of inheritance, mergers or splits of a person equipped with Electric Facilities for Business Use (limited, however, to those resulting in the taking over of the Electric Facilities for Business Use), the heir, the corporation surviving after the merger or the corporation newly established upon the merger, or the corporation which has taken over the Electric Facilities for Business Use upon the split succeeds to the status of a person equipped with the Electric Facilities for Business Use as prescribed in this Act.
- (2) A person who has succeeded to the status of a person equipped with Electric Facilities for Business Use pursuant to the preceding paragraph must, without delay, notify the competent minister to that effect, with a document proving such fact.

Chapter III Electric Facilities for General Use

(Order for Conformity to Technical Standards)

Article 56 (1) The Minister of Economy, Trade and Industry may, when finding that Electric Facilities for General Use do not conform to the technical standards established by Ordinance of the Ministry of Economy, Trade and Industry, order the owner or possessor of said facilities to repair or alter the Electric Facilities for General Use to ensure conformity to the technical standards, to relocate the facilities or suspend the use of them, or restrict the owner or possessor from using the facilities.

(2) The provisions of Article 39, paragraph (2) (excluding item (iii) and item (iv)) apply mutatis mutandis to Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph.

(Obligation to Investigate)

Article 57 (1) A person who supplies electricity to be used by Electric Facilities for General Use (hereinafter referred to as "Electricity Supplier" in this Article, the following Article, and Article 89) must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, investigate whether or not the Electric Facilities for General Use that use the electricity supplied conform to the technical standards established by Ordinance of the Ministry of Economy, Trade and Industry under paragraph (1) of the preceding Article; provided, however, that this does not apply if the person is unable to obtain consent for the entry into the site where the Electric Facilities for General Use are installed from the owner or possessor of the facilities.

(2) When an Electricity Supplier finds, as a result of the investigation conducted under the preceding paragraph, that the Electric Facilities for General Use do not conform to the technical standards established by Ordinance of the Ministry of Economy, Trade and Industry under paragraph (1) of the preceding Article, the Electricity Supplier must, without delay, notify the owner or possessor of the facilities of the measures to be taken to ensure conformity to the technical standards and the possible consequences of such measures not being taken.

(3) If the Electricity Supplier fails to conduct an investigation under paragraph (1) or give notification under the preceding paragraph or applies an inappropriate means for investigation or notification, the Minister of Economy, Trade and Industry may order the Electricity Supplier to conduct an investigation or give notification, or to improve the means of said investigation or notification.

(4) Electricity Suppliers must keep books and state in such books the particulars with respect to the affairs concerning the investigation under paragraph (1) and the notification under paragraph (2) specified by Ordinance of the Ministry of Economy, Trade and Industry.

(5) The books set forth in the preceding paragraph must be kept on file pursuant

to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(Entrustment of Investigation Services)

Article 57-2 (1) An Electricity Supplier may entrust a person registered by the Minister of Economy, Trade and Industry (hereinafter referred to as a "Registered Investigation Body") with the task of investigating whether or not the Electric Facilities for General Use that use the electricity supplied by the Electricity Supplier conform to the technical standards established by Ordinance of the Ministry of Economy, Trade and Industry under Article 56, paragraph (1), and if the Electric Facilities for General Use do not conform to the technical standards, notifying the owner or possessor of the facilities of the measures to be taken to ensure conformity to the technical standards as well as the possible consequences of said measures not being taken (hereinafter referred to as "Investigation Services").

(2) An Electricity Supplier must, when having entrusted a Registered Investigation Body with the Investigation Services pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect without delay. The same applies when an agreement for entrustment has expired.

(3) The provisions of paragraph (1) of the preceding Article do not apply to the Electric Facilities for General Use for which an Electricity Supplier has entrusted a Registered Investigation Body with Investigation Services pursuant to paragraph (1).

Part IV Use of Land, etc.

(Temporary Use)

Article 58 (1) Electricity Utilities may, when it is necessary and unavoidable, temporarily use another person's land or buildings and other structures affixed thereto (hereinafter referred to as "Land, etc.") for any of the following purposes to the extent that such use does not significantly hinder another person's use of the Land, etc.; provided, however, that the use of buildings and other structures is allowed only for the purpose of supporting electric lines (including lines used for communication necessary for the maintenance and operation of electric lines) or auxiliary equipment thereof (hereinafter collectively referred to as "Electric Lines").

(i) establishing a site for storing materials or parking vehicles, dumping sites for earth and stones, workspace, or a platform or cableway for overhead lines, all of which are required to implement construction projects concerning Electric Lines to be used for Electricity Business;

(ii) install Electric Lines for urgent supply of electricity in the event of a

- natural disaster, incident or other emergency;
- (iii) install markers for the purpose of installing Electric Facilities to be used for Electricity Business.
- (2) Electricity Utilities must, when intending to use another person's Land, etc. temporarily pursuant to the preceding paragraph, obtain permission from the Minister of Economy, Trade and Industry; provided, however, that this does not apply to temporary use for a period not exceeding 15 days in the event of a natural disaster, incident or other emergency.
- (3) The Minister of Economy, Trade and Industry must, when having received an application for permission under the preceding paragraph, notify the owner and possessor of the Land, etc. to that effect and provide them with the opportunity to submit a written opinion.
- (4) Electricity Utilities must, when intending to use another person's Land, etc. temporarily pursuant to paragraph (1), notify the possessor of the Land, etc. in advance; provided, however, that if it is difficult to give notification in advance, it is sufficient for the Electricity Utility to give notification without delay after the commencement of the use of said land.
- (5) If the Land, etc. to be used temporarily under paragraph (1) is in use for residential purpose, consent must be obtained from the resident.
- (6) The period of temporary use under paragraph (1) must not exceed six months (or one year if provisional Electric Lines have been installed under item (ii) of said paragraph, or temporary use takes place under item (iii) of said paragraph).
- (7) A person who enters another person's Land, etc. for the purpose of temporary use under paragraph (1) must carry a document certifying that that person has obtained permission under paragraph (2), and show such document when requested by any person concerned; provided, however, that this does not apply to the case referred to in the proviso of said paragraph.

(Entry)

- Article 59 (1) Electricity Utilities may, when it is necessary in order to conduct taking measurements or field investigations of Electric Facilities to be used for Electricity Business, enter another person's land with permission from the Minister of Economy, Trade and Industry.
- (2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis if an application for permission under the preceding paragraph has been filed.
- (3) The provisions of paragraph (4) and paragraph (5) of the preceding Article and the main clause of paragraph (7) of said Article apply mutatis mutandis if an Electricity Utility enters another person's land pursuant to paragraph (1).

(Passage)

- Article 60 (1) Electricity Utilities may, when it is necessary in order to implement a construction project with regard to Electric Lines to be used for Electricity Business or maintain Electric Lines, pass through another person's land.
- (2) A person who passes through another person's land pursuant to the preceding paragraph must carry a certificate of identification and show it when requested by any person concerned.
- (3) The provisions of Article 58, paragraph (4) and paragraph (5) apply mutatis mutandis if an Electricity Utility passes through another person's land pursuant to paragraph (1).

(Clearing or Transplantation of Plants)

- Article 61 (1) If plants cause or are likely to cause interference with Electric Lines to be used for Electricity Business or plants hinder the taking of measurements or field investigations with regard to Electric Facilities to be used for Electricity Business or a construction project with regard to Electric Lines to be used for Electricity Business, an Electricity Utility may, when it is unavoidable, clear or transplant such plants with permission from the Minister of Economy, Trade and Industry.
- (2) Electricity Utilities must, when intending to clear or transplant plants pursuant to the preceding paragraph, notify the owner of the plants in advance; provided, however, that if it is difficult to give notification in advance, it is sufficient for the Electricity Utility to give notification without delay after the clearing or transplantation.
- (3) If plants cause interference with Electric Lines to be used for Electricity Business and it appears that if such interference were left unaddressed it would significantly damage the Electric Lines, thereby seriously hindering the supply of electricity, or cause a fire or other disaster, thereby harming public safety, an Electricity Utility may, notwithstanding the provisions of paragraph (1), clear or transplant such plants without permission from the Minister of Economy, Trade and Industry. In this case, the Electricity Utility must, without delay after the clearing or transplantation, notify the Minister of Economy, Trade and Industry as well as the owner of the plants to that effect.
- (4) The provisions of Article 58, paragraph (3) apply mutatis mutandis if an application for permission under paragraph (1) has been filed.

(Compensation for Losses)

- Article 62 Electricity Utilities must, when having caused any loss from temporarily using another person's Land, etc. pursuant to Article 58, paragraph (1), entering another person's land pursuant to Article 59,

paragraph (1), passing through another person's land pursuant to Article 60, paragraph (1), or clearing or transplanting plants pursuant to paragraph (1) or paragraph (3) of the preceding Article, compensate a person who has suffered the loss for any such loss that would generally arise.

- Article 63 (1) If, with respect to compensation for a loss under the preceding Article, the Electricity Utility and the person who has suffered the loss have failed to consult or reach an agreement through consultation, the Electricity Utility or the person who has suffered the loss may apply for an award by the municipal or prefectural governor who has jurisdiction over the Land, etc. or the place where the land or the plants causing interference are located.
- (2) The provisions of Article 32, paragraphs (2) to (4) and Article 33 apply mutatis mutandis to an award set forth in the preceding paragraph. In this case, the term "Minister of Economy, Trade and Industry" in Article 32, paragraph (2) and paragraph (3) is deemed to be replaced with "municipal or prefectural governor."
- (3) An award ordering compensation for a loss must determine the amount of compensation as well as the time and means of payment thereof.

(Obligation of Recovery)

Article 64 Electricity Utilities must, when having finished with the temporary use of the Land, etc. pursuant to Article 58, paragraph (1), return the Land, etc. after having recovered the original state of the Land, etc. or having compensated any such loss that would generally arise from non-recovery of the original state.

(Use of Public Land)

- Article 65 (1) Electricity Utilities or Wholesale Suppliers may, when it is necessary to install Electric Lines to be used for Electricity Business or Wholesale Supply on a road, bridge, ditch, river, embankment or other area of public land, use them with permission from the administrator thereof to the extent that such use does not impair their usability.
- (2) In the case referred to in the preceding paragraph, the Electricity Utility or Wholesale Supplier must pay a user's fee as determined by the administrator.
- (3) If the administrator has refused to grant permission under paragraph (1) without justifiable grounds, or the amount of the user's fee determined by the administrator is inappropriate, the competent minister may, upon application by the Electricity Utility or Wholesale Supplier, grant permission or determine the amount of the user's fee.
- (4) The provisions of the preceding three paragraphs do not apply to roads prescribed in the Road Act (Act No. 180 of 1952) nor to areas of land on which

roads are to be constructed as determined under Article 18, paragraph (1) of said Act and objects associated with roads constructed on such land.

(5) In any of the following cases, the competent minister must consult with the Minister of Economy, Trade and Industry in advance.

(i) when the competent minister intends to grant permission for use or determine the amount of a user's fee pursuant to paragraph (3).

(ii) when an Electricity Utility or Wholesale Supplier intends to occupy roads or areas of land on which roads are to be constructed or accessories to roads constructed on such land as set forth in the preceding paragraph for the purpose of installing Electric Lines to be used for Electricity Business or Wholesale Supply, and the competent minister intends to make an award or decision in response to a request for review of or objection to the determination of the amount of an occupation fee to be collected by the road administrator pursuant to Article 39, paragraph (1) of the Road Act (including cases where it is applied mutatis mutandis pursuant to Article 91, paragraph (2) of said Act) or the imposition of a condition to the permission or approval under Article 87, paragraph (1) of said Act (including cases where it is applied mutatis mutandis pursuant to Article 91, paragraph (2) of said Act).

(Application Mutatis Mutandis)

Article 66 The provisions of Article 61, paragraph (3) as well as Article 62 and Article 63 do apply mutatis mutandis to a person equipped with Electric Facilities for Private Use. In this case, the phrase "significantly damage the Electric Lines, thereby seriously hindering the supply of electricity or cause a fire or other disaster, thereby endangering public safety" in Article 61, paragraph (3) is deemed to be replaced with "cause a fire or other disaster, thereby endangering public safety."

**Part V Registered Safety Management Examination Body, Designated
Examining Body, and Registered Investigation Body
Chapter I Registered Safety Management Examination Body**

(Registration)

Article 67 The registration set forth in Article 51, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) is made, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, for each of the following categories of examination (hereinafter simply referred to as an "Examination Category") upon application by a person who intends to conduct such examinations (hereinafter collectively referred to as "Safety Management Examinations").

- (i) examination set forth in Article 51, paragraph (3)
- (ii) examination set forth in Article 52, paragraph (3)
- (iii) examination set forth in Article 55, paragraph (4)

(Disqualification)

Article 68 A person who falls under any of the following items may not be registered under Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4):

- (i) a person who was sentenced to a fine or severer 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 78, before the elapse of a period of two years since the date of rescission;
- (iii) a corporation, any of whose officers in charge of its business falls under any of the preceding two items.

(Standards for Registration)

Article 69 (1) The Minister of Economy, Trade and Industry must register a person who has applied for registration pursuant to Article 67 (hereinafter referred to as an "Applicant for Registration" in this paragraph) if that person conforms to all of the following requirements. In this case, necessary procedures for registration are specified by Ordinance of the Ministry of Economy, Trade and Industry.

- (i) Safety Management Examinations are conducted by a person who falls under any of the following conditions, at least two persons assigned for each Examination Category:
 - (a) a person who graduated from a university (excluding junior college) under the School Education Act (Act No. 26 of 1947) or a university under the former University Ordinance (Imperial Ordinance No. 388 of 1918) after completing a course in electric engineering, civil engineering, mechanical engineering or management engineering or any other course similar thereto, and has experience of being engaged for at least two years in total in services for the construction, maintenance or operation of Electric Facilities or services for Safety Management Examinations;
 - (b) a person who graduated from a junior college or college of technology under the School Education Act or a professional training college under the former Professional Training College Ordinance (Imperial Ordinance No. 61 of 1903) after completing a course in electric engineering, civil engineering, mechanical engineering or management engineering or any other course similar thereto, and who has been engaged for at least four

- years in total in services for the construction, maintenance or operation of Electric Facilities or services for Safety Management Examinations;
- (c) a person who has been engaged for at least six years in total in services for the construction, maintenance or operation of Electric Facilities or services for Safety Management Examinations;
- (ii) the Applicant for Registration, who is controlled by a person equipped with Electric Facilities subject to Safety Management Examinations pursuant to Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4) (hereinafter referred to as "Person Equipped With Electric Facilities Subject to Examination" in this item), falls under none of the following conditions:
- (a) if the Applicant for Registration is a business corporation, the Person Equipped With Electric Facilities Subject to Examination is its parent corporation (as prescribed in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005));
- (b) more than half of the officers of the Applicant for Registration (in the case of a Partnership Corporation (which means a partnership corporation prescribed in Article 575, paragraph (1) of the Companies Act), officers in charge of its business) are officers or employees of the Person Equipped With Electric Facilities Subject to Examination (including those who have been officers or employees of the Person Equipped With Electric Facilities Subject to Examination in the past two years);
- (c) the Applicant for Registration (or, in the case of a corporation, its representative officer) is an officer or employee of the Person Equipped With Electric Facilities Subject to Examination (or has been an officer or employee of the Person Equipped With Electric Facilities Subject to Examination in the past two years).
- (2) The registration set forth in Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4) is to be made, with the following particulars stated in the registry of Safety Management Examination 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 person is a corporation;
- (iii) the Examination Category.

(Renewal of Registration)

- Article 70 (1) Unless it is renewed at an interval of not less than three years as set by Cabinet Order, the registration set forth in Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4) ceases to be effective upon expiration of such period.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to the

renewal of registration set forth in the preceding paragraph.

(Obligation to Conduct Safety Management Examinations)

Article 71 (1) A person registered under Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4) (hereinafter referred to as a "Registered Safety Management Examination Body") must, without delay, conduct a Safety Management Examination when requested except the cases where there are justifiable grounds not to do so.

(2) Registered Safety Management Examination Bodies must conduct a Safety Management Examination fairly by means specified by Ordinance of the Ministry of Economy, Trade and Industry.

(3) Registered Safety Management Examination Bodies must, when conducting a Safety Management Examination, have a person prescribed in Article 69, paragraph (1), item (i) to take charge of the Safety Management Examination.

(Change of Place of Business)

Article 72 Registered Safety Management Examination Bodies must, when intending to change the location of the place of business where a Safety Management Examination is to be conducted, notify the Minister of Economy, Trade and Industry of the change two weeks prior to the day when the change is scheduled.

(Operational Rules)

Article 73 (1) Registered Safety Management Examination Bodies must formulate rules concerning services for Safety Management Examinations (hereinafter referred to as "Operational Rules" in this Chapter), and notify the Minister of Economy, Trade and Industry of the rules before commencing services for Safety Management Examinations. The same applies if a Registered Safety Management Examination Body intends to revise the rules.

(2) Operational Rules must provide for the means of implementing a Safety Management Examination, the means of calculating the fees for Safety Management Examinations, and other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Suspension or Discontinuation of Operation)

Article 74 Registered Safety Management Examination Bodies must, when intending to suspend or discontinue all of or part of the services for Safety Management Examinations, notify the Minister of Economy, Trade and Industry to that effect in advance pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(Keeping and Making Available for Public Inspection of Financial Statements)
Article 75 (1) A Registered Safety Management Examination Body must, within three months after the end of each fiscal year, prepare a property inventory, balance sheet, profit and loss statement or income and expenditure statement and business report (if these documents are prepared as electronic or magnetic records (meaning records used in computer data processing, which are created in electronic form, magnetic form, or any other form that is impossible to perceive through the human senses alone; hereinafter the same applies in this Article), or electronic or magnetic records are prepared instead of preparing said documents, said electronic or magnetic records are included; these documents are hereinafter referred to as "Financial Statements, etc." in the following paragraph and Article 122-4) and keep them at its place of business for five years.

- (2) A person equipped with Electric Facilities subject to a Pre-use Self-Inspection, Operator's Inspection on Welding or Periodic Operator's Inspection and other interested persons may, at any time during the business hours of the Registered Safety Management Examination 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), such person or interested persons must pay the fee determined by the Registered Safety Management Examination Body:
- (i) if 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) if Financial Statements, etc. are prepared as electronic or magnetic records, a request for public inspection or copying of the content of the electronic or magnetic records displayed by a device specified by Ordinance of the Ministry of Economy, Trade and Industry;
 - (iv) a request for provision of the content of the electronic or magnetic records set forth in the preceding item by an electronic or magnetic means specified by Ordinance of the Ministry of Economy, Trade and Industry or a request for delivery of documents stating such content.

(Order for Conformity)

Article 76 The Minister of Economy, Trade and Industry may, when finding that a Registered Safety Management Examination Body has ceased to conform to any of the items of Article 69, paragraph (1), order the Registered Safety Management Examination Body to take any necessary measures to ensure conformity to the provisions of said items.

(Order for Improvement)

Article 77 The Minister of Economy, Trade and Industry may, when finding that a Registered Safety Management Examination Body is in violation of Article 71, order the Registered Safety Management Examination Body to conduct a Safety Management Examination or take other necessary measures to improve the means of implementing Safety Management Examinations or other operational procedures.

(Rescission of Registration, etc.)

Article 78 If a Registered Safety Management Examination Body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration made under Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4), or order the Registered Safety Management Examination Body to suspend all of or part of the services for Safety Management Examinations within a specified period:

- (i) if the Registered Safety Management Examination Body has violated Article 51, paragraph (5) (including cases where it is applied mutatis mutandis pursuant to Article 52, paragraph (5), or Article 55, paragraph (6)), Article 71, Article 72, Article 73, paragraph (1), Article 74, Article 75, paragraph (1) or the next Article;
- (ii) if the Registered Safety Management Examination Body now falls under Article 68, item (i) or item (iii);
- (iii) if the Registered Safety Management Examination Body has refused the request made under the items of Article 75, paragraph (2) without justifiable grounds;
- (iv) if the Registered Safety Management Examination Body has violated an order issued under the preceding two Articles;
- (v) if the Registered Safety Management Examination Body has been registered under Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4) by wrongful means.

(Bookkeeping)

- Article 79 (1) Registered Safety Management Examination Bodies must keep books and state in such books the particulars concerning services for Safety Management Examinations specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The books set forth in the preceding paragraph must be kept on file pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(Services for Safety Management Examinations Performed by the Minister of Economy, Trade and Industry)

Article 80 (1) The Minister of Economy, Trade and Industry may personally

perform all of or part of the services for Safety Management Examinations of a Registered Safety Management Examination Body if there is no person registered pursuant to Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4); notification of the suspension or discontinuation of all of or part of the services for Safety Management Examinations has been given pursuant to Article 74; the registration made under Article 51, paragraph (3), Article 52, paragraph (3) or Article 55, paragraph (4) has been rescinded or an order has been issued to the Registered Safety Management Examination Body to suspend or discontinue all of or part of the services for Safety Management Examinations pursuant to Article 78; it has become difficult for the Registered Safety Management Examination Body to perform the all of or part of the services for Safety Management Examinations due to a disaster or another reason; or the minister finds it necessary to do so for any other reason.

- (2) The transfer of the services for Safety Management Examinations and other necessary particulars, if the Minister of Economy, Trade and Industry personally performs all or part of the services for Safety Management Examinations, pursuant to the preceding paragraph, are specified by Ordinance of the Ministry of Economy, Trade and Industry.

Chapter II Designated Examining Bodies

(Designation)

Article 81 (1) The designation set forth in Article 45, paragraph (2) is made pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry upon application by a person who intends to administer Examination Affairs.

- (2) Upon having made the designation under Article 45, paragraph (2), the Minister of Economy, Trade and Industry is not to administer Examination Affairs.

(Disqualification)

Article 82 A person who falls under any of the following items may not receive designation under Article 45, paragraph (2).

- (i) a person who was sentenced to a fine or more severe 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 designation was rescinded pursuant to Article 87, paragraph (2), before the elapse of a period of two years since the date of rescission;

- (iii) a person, any of whose officers in charge of its business falls under any of the following conditions:
 - (a) a person who falls under item (i);
 - (b) a person who was dismissed by an order under Article 84-5, before the elapse of a period of two years since the date of dismissal.

(Standards for Designation)

Article 83 The Minister of Economy, Trade and Industry must not make the designation under Article 45, paragraph (2) unless no other person has received designation under said paragraph and the application for designation filed under said paragraph conforms to all of the following items:

- (i) the applicant's plan for the administration of Examination Affairs, which covers personnel, equipment, means of administering the Examination Affairs and other particulars, is appropriate for the proper administration of said Examination Affairs;
- (ii) the applicant has sufficient financial basis and technical capability to properly implement the plan for the administration of the Examination Affairs set forth in the preceding item;
- (iii) the applicant is a corporation established pursuant to Article 34 of the Civil Code;
- (iv) if the applicant is engaged in services other than Examination Affairs, there is no risk that the applicant will fail to fairly administer said Examination Affairs by performing other such services.

(Examiner)

Article 84 (1) Designated Examining Bodies must, when administering Examination Affairs, have its examiners administer affairs in determining whether or not an applicant for any of the types of chief engineering licenses listed in Article 44, paragraph (1), items (i) to (iii) has the necessary knowledge and skills as a chief engineer.

- (2) Designated Examining Bodies must appoint examiners from among persons who satisfy the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) Designated Examining Bodies must, when having appointed examiners, notify the Minister of Economy, Trade and Industry to that effect pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry. The same applies if any examiner has been replaced.

(Operational Rules)

Article 84-2 (1) Designated Examining Bodies must formulate rules concerning Examination Affairs (hereinafter referred to as "Operational Rules" in this

Chapter), and obtain approval of said rules from the Minister of Economy, Trade and Industry. The same applies if a Designated Examining Body intends to revise said rules.

- (2) The particulars to be provided for by the Operational Rules are specified by Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The Minister of Economy, Trade and Industry may, when finding that the Operational Rules approved under paragraph (1) have become inappropriate for the fair administration of the Examination Affairs, order the Designated Examining Body to revise said Operational Rules.

(Suspension and Discontinuation of Examination Affairs)

Article 84-2-2 Designated Examining Bodies must not suspend nor discontinue all of or part of the Examination Affairs unless this is permitted by the Minister of Economy, Trade and Industry.

(Business Plans, etc.)

Article 84-3 (1) Designated Examining Bodies must, prior to the beginning of each business year (or without delay after designation under Article 45, 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 applies when a Designated Examining Body intends to revise them.

- (2) Designated Examining Bodies must, 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 84-4 The appointment and dismissal of an officer of Designated Examining Bodies are not valid unless approved by the Minister of Economy, Trade and Industry.

(Order of Dismissal)

Article 84-5 If any officer or examiner of a Designated Examining Body has violated this Act or any order issued under this Act or the Operational Rules, the Minister of Economy, Trade and Industry may order the Designated Examining Body to dismiss said officer or examiner.

(Obligation of Confidentiality)

Article 85 Current or former officers or employees (including examiners) of a Designated Examining Body must not divulge confidential information that

they have become aware of in the course of administering the Examination Affairs.

(Status of Officers and Employees)

Article 85-2 With regard to the application of the Penal Code and other penal provisions, officers or employees (including examiners) of a Designated Examining Body who are engaged in Examination Affairs are regarded as personnel engaged in public services under laws and regulations.

(Order for Conformity, etc.)

Article 86 (1) The Minister of Economy, Trade and Industry may, when finding that a Designated Examining Body has ceased to conform to any of the items of Article 83 (excluding item (iii); hereinafter the same applies in this paragraph), order the Designated Examining Body to take any necessary measures to ensure conformity to the provisions of said items.

(2) In addition to what is provided for in the preceding paragraph, the Minister of Economy, Trade and Industry may, when finding it necessary for the enforcement of this Act, issue to a Designated Examining Body an order necessary for the supervision of Examination Affairs.

(Rescission of Designation, etc.)

Article 87 (1) If a Designated Examining Body has ceased to conform to Article 83, item (iii), the Minister of Economy, Trade and Industry must rescind the designation made under Article 45, paragraph (2).

(2) If 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 45, paragraph (2), or order the Designated Examining Body to suspend all or part of Examination Affairs within a specified period:

- (i) if the Designated Examining Body now falls under Article 82, item (i) or item (iii);
- (ii) if the Designated Examining Body has violated Article 84, Article 84-2, paragraph (1), Article 84-2-2, Article 84-3, or the following Article;
- (iii) if the Designated Examining Body has not administered the Examination Affairs in accordance with the Operational Rules approved under Article 84-2, paragraph (1);
- (iv) if the Designated Examining Body has violated an order issued under Article 84-2, paragraph (3), Article 84-5, or the preceding Article;
- (v) if the Designated Examining Body has received designation under Article 45, paragraph (2) by wrongful means.

(Bookkeeping)

Article 87-2 (1) Designated Examining Bodies must keep books and state in such books particulars concerning the Examination Affairs specified by Ordinance of the Ministry of Economy, Trade and Industry.

(2) The books set forth in the preceding paragraph must be kept on file pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

(Examinations Conducted by the Minister of Economy, Trade and Industry)

Article 88 (1) The Minister of Economy, Trade and Industry may administer all or part of Examination Affairs of a Designated Examining Body in person if: the Designated Examining Body has suspended all or part of Examination Affairs with permission granted under Article 84-2-2; an order has been issued to the Designated Examining Body to suspend all or part of Examination Affairs pursuant to Article 87, paragraph (2); or the minister finds it necessary to do so because it has become difficult for the Designated Examining Body to administer all or part of Examination Affairs as a result of a natural disaster or another reason.

(2) The transfer of the Examination Affairs and other necessary particulars, if the Minister of Economy, Trade and Industry personally administers all or part of Examination Affairs pursuant to the preceding paragraph, a Designated Examining Body discontinues all or part of Examination Affairs with permission granted under Article 84-2-2, or the Minister of Economy, Trade and Industry has rescinded the designation of a Designated Examining Body pursuant to Article 87, are specified by Ordinance of the Ministry of Economy, Trade and Industry.

Chapter III Registered Investigation Body

(Registration)

Article 89 The registration set forth in Article 57-2, paragraph (1) is made, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, upon application by a person who intends to perform Investigation Services as entrusted by an Electricity Supplier.

(Standards for Registration)

Article 90 (1) The Minister of Economy, Trade and Industry must register a person who has applied for registration pursuant to the preceding Article if that person conforms to all of the following requirements. In this case, necessary procedures for registration are specified by Ordinance of the Ministry of Economy, Trade and Industry:.

(i) investigation Services are performed by using the following measuring instruments:

- (a) insulation resistance meter;
 - (b) ground resistance meter;
 - (c) leakage current ammeter;
 - (d) AC ammeter;
 - (e) AC voltmeter;
- (ii) the Investigation Services are performed by a person who falls any of the following conditions:
- (a) a person who has obtained any of the types of chief engineering license listed in Article 44, paragraph (1), items (i) to (iii);
 - (b) a First-Class Electrician prescribed in Article 3, paragraph (1) of the Electrician Act (Act No. 139 of 1960) or Second-Class Electrician prescribed in paragraph (2) of said Article;
 - (c) a person who graduated from a university, college of technology, high school or secondary education school under the School Education Act, a university under the former University Ordinance, a professional training college under the former Professional Training College Ordinance, or an industrial school under the former Secondary School Ordinance (Imperial Ordinance No. 36 of 1943) after completing a course in electric engineering or any other course similar thereto.
- (2) The registration set forth in Article 57-2, paragraph (1) is to be made, with the following particulars stated in the investigation body registry:
- (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 person is a corporation.

Article 91 Deleted

(Obligation to Investigate)

- Article 92 (1) Registered Investigation Bodies must, when entrusted with Investigation Services pursuant to Article 57-2, paragraph (1), perform the Investigation Services pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry under Article 57, paragraph (1); provided, however, that this does not apply if the Registered Investigation Body is unable to obtain consent for entry into the site where the Electric Facilities for General Use are installed from the owner or possessor of the facilities.
- (2) If a Registered Investigation Body that has been entrusted with Investigation Services pursuant to Article 57-2, paragraph (1) fails to perform the Investigation Services or applies an inappropriate means for investigation, the Minister of Economy, Trade and Industry may order the Registered Investigation Body to perform the Investigation Services or to improve upon the means of investigation.

(Discontinuation of Investigation Services)

Article 93 Registered Investigation Bodies must, when having discontinued the Investigation Services, notify the Minister of Economy, Trade and Industry to that effect without delay.

(Operational Rules)

Article 94 (1) Registered Investigation Bodies must formulate rules concerning Investigation Services (hereinafter referred to as "Operational Rules"), and notify the Minister of Economy, Trade and Industry of the rules before commencing the Investigation Services. The same applies if a Registered Investigation Body intends to revise said rules.

(2) Operational Rules must provide for a means for performing the Investigation Services, a means for calculating the fee for Investigation Services, and other particulars specified by Ordinance of the Ministry of Economy, Trade and Industry.

(Rescission of Registration)

Article 95 If a Registered Investigation Body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration made under Article 57-2, paragraph (1):

- (i) if the Registered Investigation Body now falls under Article 68, item (i) or item (iii) as applied mutatis mutandis pursuant to the following Article;
- (ii) if the Registered Investigation Body has refused the request made under the items of Article 75, paragraph (2) as applied mutatis mutandis pursuant to the following Article, without justifiable grounds;
- (iii) if the Registered Investigation Body has violated Article 92, paragraph (1), Article 93, or paragraph (1) of the preceding Article, or violated Article 75, paragraph (1) or Article 79 which are applied mutatis mutandis in the following Article;
- (iv) if the Registered Investigation Body has violated an order issued under Article 92, paragraph (2), or violated Article 76 as applied mutatis mutandis pursuant to the following Article;
- (v) if the Registered Investigation Body has been registered under Article 57-2, paragraph (1) by wrongful means.

(Application Mutatis Mutandis)

Article 96 The provisions of Articles 68, 70, 75, 76, and 79 apply mutatis mutandis to a Registered Investigation Body. In this case, the term "Article 78" in Article 68, item (ii) is deemed to be replaced with "Article 95," the phrase "a person equipped with Electric Facilities subject to a Pre-use Self-Inspection,

Operator's Inspection on Welding or Periodic Operator's Inspection" in Article 75, paragraph (2) is deemed to be replaced with "the owner or possessor of the Electric Facilities for General Use subject to the Investigation Services performed by the Registered Investigation Body," and the phrase "items of Article 69, paragraph (1)" in Article 76 is deemed to be replaced with "items of Article 90, paragraph (1)."

Articles 97 to 99 Deleted

Part VI Miscellaneous Provisions

(Conditions Attached to Licenses/Permissions)

Article 100 (1) Conditions may be attached to a license/permission or approval, and such conditions may be changed.

(2) The conditions set forth in the preceding paragraph must be limited to the minimum required for promoting public interest or ensuring successful implementation of the particulars concerning the license/permission or approval, and must not impose any unreasonable obligation on the person who is to obtain the license/permission or approval.

(Hydropower for Electricity Generation)

Article 101 The Minister of Economy, Trade and Industry must conduct the necessary investigation for the development of hydropower for electricity generation.

Article 102 The Minister of Economy, Trade and Industry may, when finding it necessary for the development of hydropower for electricity generation, order a person equipped with Electric Facilities for electricity generation by means of hydropower to measure the discharge of the river where the Electric Facilities are installed and report on the results of the measurement pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry.

Article 103 (1) If an application has been filed for license/permission under Article 23 or Article 29, paragraph (2) of the River Act (Act No. 167 of 1964) or license/permission under Article 24 or Article 26, paragraph (1) of said Act (excluding license/permission concerning use of water supply (which means use of water supply prescribed in said Article; hereinafter the same applies in paragraph (3)) by way of occupancy of river water which is subject to registration under Article 23-2 of said Act), and the application is for the purpose of using hydro power for electricity generation and as specified under Cabinet Order, the relevant municipal or prefectural governor or the head of

the relevant designated city under Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (such city is hereinafter referred to as a "Designated City") must report to the Minister of Economy, Trade and Industry to that effect, with said governor or head's opinion attached thereto, and request the opinion of the Minister of Economy, Trade and Industry.

- (2) The Minister of Economy, Trade and Industry is to, when requested for an opinion pursuant to the preceding paragraph, consult with the Minister of Land, Infrastructure, Transport and Tourism.
- (3) If an application has been filed to a municipal or prefectural governor or the head of a Designated City for license or permission under Article 23 or Article 29, paragraph (2) of the River Act or license or permission under Article 24 or Article 26, paragraph (1) of said Act (excluding license or permission concerning use of water supply by way of occupancy of river water which is subject to the registration under Article 23-2 of said Act) (excluding the case prescribed in paragraph (1)), the Minister of Economy, Trade and Industry may, when finding it necessary in order to ensure the effective utilization of hydropower for electricity generation, make the necessary recommendations to the municipal or prefectural governor or the head of the Designated City regarding the dispositions under these provisions.

(Electric Facility Inspectors)

Article 104 (1) The Ministry of Economy, Trade and Industry, and the Nuclear Regulation Authority have electric facility inspectors.

- (2) Electric facility inspectors of the Ministry of Economy, Trade and Industry are engaged in the affairs concerning inspection set forth in Article 49, paragraph (1) or Article 54, or the examination set forth in Article 51, paragraph (3) or Article 55, paragraph (4).
- (3) Electric facility inspectors of the Nuclear Regulation Authority are engaged in the affairs concerning inspection set forth in Article 49, paragraph (1) or Article 54, or the examination set forth in Article 51, paragraph (3).
- (4) The necessary particulars concerning the qualification of an electric facility inspector are specified by Cabinet Order.

(Audits)

Article 105 The Minister of Economy, Trade and Industry must audit the services and accounting of the General Electricity Utilities and Wholesale Electricity Utilities every year.

(Collection of Reports)

Article 106 (1) The competent minister may, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Article 49, and Article 50,

pursuant to the provisions of Cabinet Order, have a person equipped with Electric Facilities for electricity generation by means of nuclear power (hereinafter referred to as "Facilities for Nuclear Power Generation") submit reports or materials on the status of the services for assuring the safety of the Facilities for Nuclear Power Generation.

- (2) In addition to the cases referred to in the preceding paragraph, if the competent minister has had a person equipped with Facilities for Nuclear Power Generation submit reports or materials, and finds it particularly necessary in order to ensure the safety of the Facilities for Nuclear Power Generation, said minister may, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Article 49, and Article 50 have the business operator who has conducted maintenance and inspection of the Facilities for Nuclear Power Generation submit reports or materials on necessary particulars.
- (3) In addition to the cases referred to in paragraph (1), the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, pursuant to the provisions of Cabinet Order, have an Electricity Utility submit reports or materials on the status of the services or accounting.
- (4) In addition to the cases referred to in paragraph (1), the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, pursuant to the provisions of Cabinet Order, have a person equipped with Electric Facilities for Private Use or a Registered Investigation Body submit reports or materials on the status of the services.
- (5) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have the Promoting Organization submit reports or materials on the status of the services or accounting.
- (6) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have a Registered Safety Management Examination Body submit reports or materials on the status of the services or accounting.
- (7) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have a Designated Examining Body submit reports or materials on the status of the services or accounting.

(On-site Inspections)

Article 107 (1) The competent minister may, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Article 49, and Article 50, have officials of the Ministry of Economy, Trade and Industry enter the factory, business office or other office or other workplace of a person equipped with Facilities for Nuclear Power Generation, a person who processes a Fuel Assembly, or a person who welds Boilers, etc. or Vessels, etc. (limited, however,

to those relating to Facilities for Nuclear Power Generation), and inspect the Facilities for Nuclear Power Generation, books, documents, and any other articles of such person.

- (2) In addition to the on-site inspection prescribed in the preceding paragraph, the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have officials of the Ministry of Economy, Trade and Industry enter the business office or other office or other workplace of an Electricity Utility, and inspect the status of the services or accounting or the Electric Facilities, books, documents, and any other articles of the Electricity Utility.
- (3) In addition to the on-site inspection prescribed in paragraph (1), the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have officials of the Ministry of Economy, Trade and Industry enter the factory, business office or other office or other workplace of a person equipped with Electric Facilities for Private Use or a person who welds Boilers, etc., and inspect the Electric Facilities, books, documents, and any other articles of such person.
- (4) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have officials of the Ministry of Economy, Trade and Industry enter the site where Electric Facilities for General Use (excluding, however, those used for residential purposes) are installed, and inspect the Electric Facilities for General Use.
- (5) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have officials of the Ministry of Economy, Trade and Industry enter the business office of the Promoting Organization, and inspect the status of the services or books, documents, and any other articles of such organization.
- (6) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have officials of the Ministry of Economy, Trade and Industry enter the business office or place of business of a Registered Safety Management Examination Body or Registered Investigation Body, and inspect the status of the services or books, documents, and any other articles of such body.
- (7) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, have officials of the Ministry of Economy, Trade and Industry enter the office of a Designated Examining Body, and inspect the status of the services or books, documents, and any other articles of such body.
- (8) The officials who conduct such on-site inspections pursuant to the preceding paragraphs must carry a certificate of identification and show it when requested by any person concerned.

- (9) The Minister of Economy, Trade and Industry may, when finding it necessary, have the Promoting Organization conduct an on-site inspection prescribed in paragraph (2) (limited, however, to those to be conducted in order to investigate the following items):
- (i) whether provision of information as prescribed by Article 28-43 has been properly made;
 - (ii) whether members of the Promoting Organization who received an instruction pursuant to Article 28-44, paragraph (1) have taken actions relating to such instruction.
- (10) The Minister of Economy, Trade and Industry must, when having the Promoting Organization conduct an on-site inspection pursuant to the preceding paragraph, give instructions to the Promoting Organization with respect to the site subject to the on-site inspection and other necessary particulars.
- (11) The Promoting Organization must, when having conducted an on-site inspection prescribed in paragraph (9) as instructed under the preceding paragraph, report the inspection results to the Minister of Economy, Trade and Industry.
- (12) Employees of the Promoting Organization who conduct on-site inspections pursuant to paragraph (9) must carry a certificate of identification and show it when requested by any person concerned.
- (13) The authority under paragraphs (1) through (7) must not be construed as being vested for criminal investigation.

(Public Hearings)

Article 108 The Minister of Economy, Trade and Industry must, when intending to make a disposition pursuant to Article 3, paragraph (1) (limited, however, to those relating to General Electricity Business), Article 8, paragraph (1) (limited, however, to those relating to the expansion of the service area), Article 19, paragraph (1) or Article 23, paragraph (3) (limited, however, to those relating to general supply provisions), hold a public hearing to hear the opinion of the public.

(Special Provisions for Hearings)

Article 109 (1) The Minister of Economy, Trade and Industry must, when intending to reduce the number of service points pursuant to Article 15, paragraph (4) or Article 16, paragraph (2) or paragraph (4), or reduce the service area pursuant to Article 16, paragraph (3), hold a hearing irrespective of the categories of procedures for hearing statements of opinions prescribed in Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(2) Proceedings on the date of a hearing with respect to a disposition under Article 15, paragraphs (1) through (4), Article 16, paragraphs (1) through (4), Article 78, Article 84-5, Article 87, or Article 95 must be open to the public.

(Appeals against Dispositions by Designated Examining Bodies)

Article 109-2 Any person who is dissatisfied with a disposition made by a Designated Examining Body on Examination Affairs (excluding, however, those on examination results) or the body's 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).

(Hearings for Opinions in Appeal Procedures)

Article 110 (1) An award or decision on a request for review or an objection with respect to a disposition made pursuant to this Act or an order issued under this Act must be made after giving advance notice of a reasonable period to the person subject to the disposition and holding a public hearing.

(2) The advance notice set forth in the preceding paragraph must specify the date and place of the hearing and the content of the case concerned.

(3) When holding a public hearing as set forth in paragraph (1), the person subject to the disposition and any interested persons must be given the opportunity to present evidence and state their opinion.

(Filing of Complaints)

Article 111 (1) Any person who has complaints about the supply of electricity from a General Electric Utility or a Specified Electricity Utility or the Investigation Services by a Registered Investigation Body may file such complaints to the Minister of Economy, Trade and Industry, with a written explanation of the reasons attached thereto.

(2) The Minister of Economy, Trade and Industry must, when having received the complaints under the preceding paragraph, handle them in good faith and notify the complainant of the results of the handling of said complaints.

(Fees)

Article 112 (1) Any of the following persons must pay the fees determined by Ordinance of the Ministry of Economy, Trade and Industry in light of the actual costs:

(i) a person who intends to obtain a chief engineering license pursuant to Article 44, paragraph (2), item (i) or by reason of having passed an examination for a chief electricity engineering license the Examination Affairs of which are administered by a Designated Examining Body;

(ii) a person who intends to take an examination for a chief electricity

- engineering license;
 - (iii) a person who applies for the re-issuance of a chief engineering license;
 - (iv) a person who intends to undergo examination under Article 55, paragraph (4) (limited, however, to the cases where examination is conducted by the Minister of Economy, Trade and Industry);
 - (v) a person who intends to undergo a Safety Management Examination conducted by the Minister of Economy, Trade and Industry pursuant to Article 80, paragraph (1).
- (2) Any of the following persons must pay the fee determined by Ordinance of the Competent Ministry in light of the actual cost:
- (i) a person who intends to undergo inspection under Article 49, paragraph (1);
 - (ii) a person who undergoes inspection under Article 54;
 - (iii) a person who intends to undergo examination under Article 51, paragraph (3) (excluding, however, the case where it is conducted by a Registered Safety Management Examination Body).
- (3) The fee paid under the preceding two paragraphs is regarded as income of the Designated Examining Body if it is paid by the person who intends to obtain a chief engineering license for which the Designated Examining Body administers Licensing Affairs as entrusted under Article 44-2, paragraph (1), or the person who intends to take an examination for a chief electricity engineering license for which the Designated Examining Body administers Examination Affairs, or as national revenue if it is paid by other persons.

(Public Notice)

Article 112-2 In any of the following cases, the Minister of Economy, Trade and Industry must give public notice of the relevant particulars in the Official Gazette:

- (i) if the Minister has made a designation under Article 45, paragraph (2);
- (ii) if the Minister has made a registration under Article 51, paragraph (3), Article 52, paragraph (3), Article 55, paragraph (4), or Article 57-2, paragraph (1);
- (iii) if the Minister has received a notification under Article 57-2, paragraph (2), Article 72, Article 74 or Article 93;
- (iv) if the Minister has rescinded a registration or ordered the suspension of all or part of services for Safety Management Examinations pursuant to Article 78;
- (v) if the Minister personally administers all or part of services for Safety Management Examinations pursuant to Article 80, paragraph (1), or ceases to administer all or part of services for Safety Management Examinations that said minister personally administered;
- (vi) if the Minister has granted permission under Article 84-2-2;

- (vii) if the Minister has rescinded a designation pursuant to Article 87 or ordered the suspension of all or part of Examination Affairs pursuant to paragraph (2) of said Article;
- (viii) if the Minister personally administers all or part of Examination Affairs pursuant to Article 88, or ceases to administer all or part of Examination Affairs that said minister personally administered;
- (ix) if the Minister has rescinded a registration pursuant to Article 95.

(Relationship with the Act on Control of Nuclear Source Materials, Nuclear Fuel Materials and Reactors)

Article 112-3 (1) In applying the provisions of Article 47, paragraph (3) or Article 48, paragraph (3) to a construction project for installation or modification of Facilities for Nuclear Power Generation implemented in relation to a construction project for installation and modification of nuclear reactors for electricity generation (which means nuclear reactors for electricity generation specified in Article 43-3-5, paragraph (2), item 5 of the Act on Control of Nuclear Source Materials, Nuclear Fuel Materials and Reactors (Act No. 166 of 1957; hereinafter referred to as "the Act on Control of Nuclear Reactors, etc." in this Article), hereinafter the same applies in this Article) which has been approved pursuant to Article 43-3-9, paragraph (1) of the Act on Control of Nuclear Reactors, etc., such a construction project is deemed to conform with the requirement listed in Article 47, paragraph (3), item 1 (limited, however, to the parts pertaining to the particulars listed in Article 39, paragraph (2), item 1 and to the parts that fall under the category of technical standards as set forth in Article 43-3-14 of the Act on Control of Nuclear Reactors, etc.; the same applies in the next paragraph) or with the requirements listed in Article 48, paragraph (3), item 1 (limited, however, to the requirements listed in Article 47, paragraph (3), item 1 (limited to the parts pertaining to the particulars listed in Article 39, paragraph (2), item 1 and to the parts that fall under the category of technical standards as set forth in Article 43-3-14 of the Act on Control of Nuclear Reactors, etc.); the same applies in the next paragraph).

(2) In applying the provisions of Article 47, paragraph (3) or Article 48, paragraph (3) to a construction project for installation or modification of Facilities for Nuclear Power Generation implemented in relation to a construction project for installation and modification of nuclear reactors for electricity generation of which notification has been given pursuant to Article 43-3-10, paragraph (1) of the Act on Control of Nuclear Reactors, etc. (excluding cases where an order has been issued pursuant to paragraph (4) of said Article but notification has not yet been given pursuant to paragraph (1) of said Article), such a construction project is deemed to conform with the

requirement listed in Article 47, paragraph (3), item 1 or with the requirement listed in Article 48, paragraph (3), item 1.

- (3) In applying the provisions of Article 49, paragraph (2) to Specific Electric Facilities for Business Use, which are nuclear reactors for electricity generation that have undergone and successfully passed examination under the provisions of Article 43-3-11, paragraph (1) of the Act on Control of Nuclear Reactors, etc., such Specific Electric Facilities for Business Use are deemed to conform with the requirement listed in item 2 of said paragraph (limited, however, to the parts pertaining to the particulars listed in Article 39, paragraph (2), item 1 and to the parts that fall under the category of technical standards as set forth in Article 43-3-14 of the Act on Control of Nuclear Reactors, etc.).
- (4) The provisions of Articles 51, 52, 54, and 55 do not apply to Facilities for Nuclear Power Generation which are subject to regulatory inspection under the Act on Control of Nuclear Reactors, etc. and pursuant to an order issued thereunder.

(Transitional Measures)

Article 113 When enacting, revising or discontinuing Cabinet Order, or Ordinance of the Ministry of Economy, Trade and Industry or Ordinance of the Competent Ministry pursuant to this Act, necessary transitional measures may be provided for by Cabinet Order, or Ordinance of the Ministry of Economy, Trade and Industry or Ordinance of the Competent Ministry to the extent considered reasonably necessary for the enactment, revision or discontinuation.

(Competent Ministers, etc.)

- Article 113-2 (1) The competent ministers in this Act (excluding Article 65, paragraphs (3) and (5)) is Ministers or Commissions as specified in the respective items, according to categories of particulars listed in each of the following items:
- (i) particulars concerning Facilities for Nuclear Power Generation: the Nuclear Regulation Authority and Minister of Economy, Trade and Industry;
 - (ii) particulars other than those listed in the preceding item: the Minister of Economy, Trade and Industry.
- (2) The competent ministers in Article 65, paragraphs (3) and (5) is the Minister who is in charge of administration of the road, bridge, ditch, river, embankment or other public land prescribed in paragraph (1) of said Article.
- (3) An Ordinance of the Competent Ministry in this Act is an order issued by the competent ministers who is specified in respective items according to the categories of particulars listed in each of the items of paragraph (1).

(Delegation of Authority)

Article 114 The authority of the Ministry of Economy, Trade and Industry under this Act may be delegated to the Director of a Regional Bureau of Economy, Trade and Industry or the Director of a Regional Industrial Safety and Inspection Department pursuant to the provisions of Cabinet Order.

Part VII Penal Provisions

Article 115 (1) A person who has damaged Electric Facilities to be used for Electricity Business or caused interference with the functioning of Electric Facilities to be used for Electricity Business, thereby obstructing the generation, transformation, transmission or distribution of electricity, is punished by imprisonment with required labor for not more than five years or a fine of not more than one million yen.

(2) A person who has, without due cause, operated Electric Facilities to be used for Electricity Business, thereby obstructing the generation, transformation, transmission or distribution of electricity, is punished by imprisonment with required labor for not more than two years or a fine of not more than 500,000 yen.

(3) The same punishment is imposed if a person engaged in Electricity Business has not performed, without justifiable grounds, the services to maintain or operate Electric Facilities to be used for Electricity Business, thereby causing interference with the generation, transformation, transmission or distribution of electricity.

(4) Attempts to commit offenses prescribed in paragraph (1) and paragraph (2) are punished.

Article 116 A person who falls under any of the following items is punished by imprisonment with required labor for not more than three years or a fine of not more than three million yen, or both:

- (i) a person who has, in violation of Article 3, paragraph (1), conducted Electricity Business;
- (ii) a person who has violated an order issued or a disposition made under Article 40 (limited, however, to the cases relating to Facilities for Nuclear Power Generation);
- (iii) a person who has, in violation of Article 47, paragraph (1) (limited, however, to cases relating to Facilities for Nuclear Power Generation), implemented a construction project to install or modify Electric Facilities.

Article 117 A person who falls under any of the following items is punished by imprisonment with required labor for not more than two years or a fine of not

more than three million yen, or both:

- (i) a person who has, in violation of Article 14, paragraph (1), suspended or discontinued all or part of Electricity Business;
- (ii) a person who has, in violation of Article 18, paragraph (1), paragraph (3) or paragraph (4), refused to supply electricity;
- (iii) a person who has, in violation of Article 18, paragraphs (5) to (7), supplied electricity.

Article 117-2 A person who falls under any of the following items is punished by imprisonment with required labor for not more than one year or a fine of not more than one million yen, or both:

- (i) a person who has, in violation of Article 49, paragraph (1) (limited, however, to cases relating to Facilities for Nuclear Power Generation), used Electric Facilities;
- (ii) a person who has, in violation of Article 55, paragraph (3), Article 52, paragraph (1), Article 55, paragraph (1) (limited, however, to the cases relating to Facilities for Nuclear Power Generation) or Article 55, paragraph (3), failed to make records or made false records, failed to keep records on file, or failed to make reports or made false reports;
- (iii) a person who has refused, obstructed, or avoided the examination or inspection under Article 107, paragraph (1);
- (iv) a person who has violated an order of suspension of the services for Safety Management Examinations issued under Article 78;
- (v) a person who has failed to submit reports or materials under Article 106, paragraph (1), or submitted false reports or materials.

Article 117-3 In the event of violation of an order of suspension of Examination Affairs issued under Article 87, paragraph (2), the officers or employees concerned at the Designated Examining Body that has committed the violation are punished by imprisonment with required labor for not more than one year or a fine of not more than one million yen.

Article 117-4 A person who has violated Article 44-2, paragraph (2) or Article 85 is punished by imprisonment with required labor for not more than one year or a fine of not more than one million yen.

Article 117-5 A person who has violated Article 28-29, paragraph (1) or (2) is punished by imprisonment with required labor for not more than one year or a fine of not more than 500,000 yen.

Article 118 A person who falls under any of the following items is punished by a

fine of not more than three million yen:

- (i) a person who has violated an order issued under Article 8, paragraph (6), Article 9, paragraph (5), Article 16-3, paragraph (5) (including cases where it is applied mutatis mutandis pursuant to paragraph (8) of said Article), Article 19, paragraph (5), paragraph (10) or paragraph (13), Article 19-2, paragraph (2), Article 22, paragraph (4) or paragraph (12), Article 24, paragraph (2), Article 24-3, paragraph (3) or paragraph (5), Article 24-4, paragraph (4) or paragraph (5), Article 24-6, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 24-7), Article 26, paragraph (2), Article 29, paragraph (6), Article 30, Article 31, paragraph (1) or (2), Article 57, paragraph (3), or Article 92, paragraph (2);
- (ii) a person who has, in violation of Article 18, paragraph (2), refused to supply electricity;
- (iii) a person who has, in violation of Article 21, paragraph (1), Article 22, paragraph (1) or paragraph (2), Article 24, paragraph (4), Article 24-3, paragraph (2), Article 24-4, paragraph (3), or Article 25, paragraph (1), supplied electricity;
- (iv) a person who has, in violation of Article 22, paragraph (6), implemented a bidding process;
- (v) a person who has, in violation of Article 24-2, paragraph (1), concluded or revised a Supplementary Supply Agreement;
- (vi) a person who has, in violation of an order issued under Article 24-2, paragraph (3), refused, obstructed, or evaded the conclusion of a Supplementary Supply Agreement;
- (vii) a person who has violated an order issued or a disposition made under Article 40 (excluding, however, the cases relating to Facilities for Nuclear Power Generation);
- (viii) a person who has, in violation of Article 43, paragraph (1), failed to appoint a chief engineer;
- (ix) a person who has, in violation of Article 47, paragraph (1) (excluding, however, the cases relating to Facilities for Nuclear Power Generation), implemented a construction project to install or modify Electric Facilities.

Article 119 A person who falls under any of the following items is punished by a fine of not more than one million yen:

- (i) a person who has failed to give notification under Article 9, paragraph (1) or Article 16-3, paragraph (1) or paragraph (7), or given a false notification;
- (ii) a person who has violated Article 9, paragraph (3), or Article 16-3, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to paragraph (8) of said Article);
- (iii) a person who has, without giving a notification under Article 16-2,

- paragraph (1) or having given a false notification, conducted a Specified-Scale Electricity Business;
- (iv) a person who has, in violation of Article 16-3, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to paragraph (8) of said Article), failed to submit the necessary documents or submitted documents containing false statements;
- (v) a person who has, in violation of Article 17, paragraph (1), conducted electricity supply business;
- (vi) a person who has, in violation of Article 21, paragraph (2), supplied electricity;
- (vii) a person who has violated an order issued under Article 27, paragraph (1);
- (viii) a person who has, in violation of an order issued under Article 48, paragraph (4), implemented a construction project to install or modify Electric Facilities;
- (ix) a person who has, in violation of Article 49, paragraph (1) (excluding, however, cases relating to Facilities for Nuclear Power Generation), used Electric Facilities.

Article 119-2 In any of the following cases, the founders, officers or employees concerned at the Promoting Organization that has committed the violation are punished by a fine of not more than 300,000 yen:

- (i) a person who has entered a false statement in a written application or an attached document under Article 28-14, paragraph (1) or (2);
- (ii) a person who has failed to send a Supply Plan under Article 29, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to paragraph (4) of said Article);
- (iii) a person who has failed to submit reports or materials under Article 106, paragraph (5), or submitted false reports or materials;
- (iv) a person who has refused, obstructed, or evaded inspection under Article 107, paragraph (5).

Article 119-3 In any of the following cases, the officers or employees concerned at the Designated Examining Body that has committed the violation are punished by a fine of not more than 300,000 yen:

- (i) if the Designated Examining Body has discontinued the whole of the Examination Affairs without obtaining permission under Article 84-2-2;
- (ii) if the Designated Examining Body has, in violation of Article 87-2, paragraph (1), failed to state the particulars prescribed in said paragraph, or made false statements;
- (iii) if the Designated Examining Body has, in violation of Article 87-2, paragraph (2), failed to keep the books on file;

- (iv) if the Designated Examining Body has failed to submit reports or materials under Article 106, paragraph (7), or submitted false reports or materials;
- (v) if the Designated Examining Body has refused, obstructed or evaded inspection under Article 107, paragraph (7).

Article 120 A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who has failed to give notification under Article 7, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 8, paragraph (7)), Article 11, paragraph (2), Article 16-2, paragraph (2) or paragraph (3), Article 16-4, paragraph (2), Article 19-2, paragraph (1), Article 22, paragraph (7), Article 24-3, paragraph (1), Article 24-4, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to paragraph (2) of said Article), Article 28-2, paragraph (1), Article 28-3, paragraph (1), Article 29, paragraph (1) or paragraph (2), Article 42, paragraph (1) or paragraph (2), Article 43, paragraph (3), Article 47, paragraph (4) or paragraph (5), Article 57-2, paragraph (2), or Article 74, or given a false notification;
- (ii) a person who has violated Article 20;
- (iii) a person who has, in violation of Article 24, paragraph (3), failed to take measures for publicity;
- (iv) a person who has, in violation of Article 24-3, paragraph (4), failed to publicize necessary particulars;
- (v) a person who has, in violation of Article 26, paragraph (3), Article 51, paragraph (1), Article 52, paragraph (1), or Article 55, paragraph (1) (excluding, however, the cases relating to Facilities for Nuclear Power Generation), failed to make records or made false records, or failed to keep records on file;
- (v)-2 a person who has failed to make reports under Article 27, paragraph (2), or made false reports;
- (vi) a person who has violated an order issued under Article 42, paragraph (3);
- (vii) a person who has, in violation of Article 48, paragraph (1) or paragraph (2), implemented a construction project to install or modify Electric Facilities;
- (viii) a person who has refused, obstructed or evaded an examination or inspection under Article 51, paragraph (3), Article 52, paragraph (3), Article 54, or Article 55, paragraph (4) (limited, however, to cases relating to Facilities for Nuclear Power Generation) or Article 107, paragraphs (2) through (4) or paragraph (6);
- (ix) a person who has violated an order issued or a disposition made under Article 56, paragraph (1);
- (x) a person who has, in violation of Article 57, paragraph (4), or Article 79,

- paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 96), failed to state the particulars prescribed in Article 57, paragraph (4), or Article 79, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 96), or made false statements;
- (xi) a person who has, in violation of Article 57, paragraph (5), or Article 79, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 96), failed to keep the books on file;
- (xii) a person who has failed to submit reports or materials under Article 102 or Article 106, paragraphs (2) through (4) or paragraph (6), or submitted false reports or materials.

Article 121 If the representative of a corporation or an agent, employee or other worker of a corporation or an individual has, with regard to the business of the corporation or individual, committed the violations prescribed in the following items, not only is the offender punished but also the corporation is punished by the fine prescribed in the respective items or the individual is punished by the fine prescribed in the respective Articles:

- (i) Article 116, item (ii) or item (iii): Fine of not more than 300 million yen;
- (ii) Article 117-2 (excluding the part concerning item (iv)): Fine of not more than 100 million yen;
- (iii) Article 116, item 1, Article 117, Article 117-2 (limited, however, to the part concerning item 4), Article 118, Article 119, or the preceding Article: Fines prescribed in the respective Articles.

Article 122 A person who falls under any of the following items is punished by a civil fine of not more than one million yen:

- (i) a person who has violated an order issued under Article 9, paragraph (5) as applied mutatis mutandis pursuant to Article 13, paragraph (2), or under Article 35, or Article 46-17, paragraph (1);
- (ii) a person who has violated Article 24-5, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 24-7), Article 34, paragraph (1), Article 34-2, paragraph (1), or Article 36, paragraph (1) or paragraph (2);
- (iii) a person who has, in violation of Article 24-5, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 24-7), failed to publicize necessary particulars or publicized false particulars;
- (iv) a person who has failed to submit documents under Article 34, paragraph (2) or Article 34-2, paragraph (2), or submitted false documents.

Article 122-2 In any of the following cases, the founders or officers concerned at the Promoting Organization are punished by a civil fine of not more than

200,000 yen:

- (i) in cases in which it is necessary to receive the approval of the Minister of Economy, Trade and Industry pursuant to the provisions of this Act, a person who has failed to receive that approval;
- (ii) a person who has failed to complete registration in violation of Cabinet Order under the provisions of Article 28-8, paragraph (1);
- (iii) a person who has violated the provisions of Article 28-10, paragraph (2);
- (iv) a person who has failed to give a public notice under the provisions of Article 28-13, paragraph (2) or has given a false public notice;
- (v) a person who has conducted business other than those prescribed in Article 28-40;
- (vi) a person who has failed to make a report or made a false report in violation of the provisions of Article 28-44, paragraph (2) or (3);
- (vii) a person who has violated an order issued under Article 28-46, paragraph (3) or Article 28-51;
- (viii) a person who has failed to give notification under Article 28-46, paragraph (4), or has given a false notification;
- (ix) a person who has failed to submit documents under Article 28-49, paragraph (1) or (2), or submitted false documents.

Article 122-3 A person who has violated Article 28-7, paragraph (2) is punished by a civil fine of not more than 200,000 yen.

Article 122-4 A person who has, in violation of Article 75, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 96), failed to keep Financial Statements, etc., failed to state necessary particulars in Financial Statements, etc. or made false statements, or refused a request made under the items of Article 75, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 96) without justifiable grounds, is punished by a civil fine of not more than 200,000 yen.

Article 123 A person who falls under any of the following items is punished by a civil fine of not more than 100,000 yen:

- (i) a person who has failed to give notification under Article 9, paragraph (2), Article 13, paragraph (1), Article 17, paragraph (4) or paragraph (5), Article 28-2, paragraph (2), Article 28-3, paragraph (2), Article 53, Article 55-2, paragraph (2), or Article 93, or has given false notification;
- (i)-2 a person who has, in violation of Article 9, paragraph (3) as applied mutatis mutandis pursuant to Article 13, paragraph (2), transferred facilities or made them subject to any rights other than ownership;
- (ii) a person who has, in violation of an order issued under Article 44,

paragraph (4), failed to return a chief engineering license without justifiable grounds.

Supplementary Provisions [Extract]

- (1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions listed in Articles 86 to 93 and the part of the provisions in paragraph (26) of the Supplementary Provisions to revise Article 25, paragraph (1) of the Act for Establishment of the Ministry of International Trade and Industry (Act No. 275 of 1952) by adding the paragraph on the Council for Electricity Industry following the paragraph on the Liaison Council for Coal Measures, come into effect as of the date of promulgation.
- (2) The Act on Temporary Measures Concerning Electricity (Act No. 341 of 1952; hereinafter referred to as the "Former Act") is discontinued.
- (3) Any dispositions, procedures or other acts conducted pursuant to the provisions of the former Public Welfare Undertaking Order (Cabinet Order No. 343 of 1950) under the Former Act are, if this Act contains provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of this Act.
- (7) A person who has obtained, prior to the enforcement of this Act, a first-class, second-class or third-class license granted pursuant to the provisions of the former Ordinance for Examination for Chief Electricity Engineering License (Ordinance of the Ministry of Communication No. 54 of 1932) under Article 1, paragraph (1) of the former Ordinance for Enforcement of the Act on Temporary Measures Concerning Electricity (Ordinance of the Ministry of International Trade and Industry No. 99 of 1952; hereinafter referred to as the "Former Ordinance") is deemed to have obtained a First-Class Chief Electricity Engineering License, Second-Class Chief Electricity Engineering License or Third-Class Chief Electricity Engineering License under Article 54, paragraph (1).
- (8) A person who has been appointed, prior to the enforcement of this Act, as chief engine/boiler engineer pursuant to the provisions of Article 20 of the former Ordinance for Control of Engines and Boilers for Electricity Generation (Ordinance of the Ministry of Communication No. 5 of 1940) under Article 1, paragraph (1) of the Former Ordinance, serving as a chief engine/boiler engineer at a power plant where atmospheric pressure is not less than 60 kg per square meter or a chief engine/boiler engineer at a power plant where atmospheric pressure is not less than 15 kg per square meter and not more than 60 kg per square meter, is deemed to have obtained a First-Class Chief Boiler/Turbine Engineering License or Second-Class Chief Boiler/Turbine

Engineering License under Article 54, paragraph (1).

- (9) With respect to Electric Facilities for which the State has commenced, prior to the enforcement of this Act, a construction project for installation or modification (excluding, however, such construction projects implemented in the case referred to in the proviso of Article 70, paragraph (1) or cases specified by Ordinance of the Ministry of International Trade and Industry under the first sentence of Article 71, paragraph (1) and those relating to nuclear reactors for electricity generation), it is deemed, if they have been reported or approved pursuant to the provisions of Article 51 or Article 52 of the former Ordinance for Electric Facilities for Private Use (Ordinance of the Ministry of Communication No. 56 of 1932) under Article 1, paragraph (1) of the Former Ordinance, that approval has been granted under Article 70, paragraph (1) or notification has been given under Article 71, paragraph (1) regarding the plan of the construction project.
- (12) With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions in force at the time in question continue to apply.

Supplementary Provisions [Act No. 36 of June 12, 1967 Extract] [Extract]

- (1) This Act comes into effect as of the date of enforcement of the Registration and License Tax Act.

**Supplementary Provisions [Act No. 134 of December 25, 1970 Extract]
[Extract]**

(Effective Date)

- (1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [No. 66 of July 25, 1973 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 27 of April 24, 1978 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation; provided, however, that the provisions in Article 1 to revise Article 11, paragraph (1) of the Act on Real Estate Appraisal, the provisions of Article 2, Article 3, Article 5, and

Article 6, the provisions in Article 19 to revise Article 107, paragraph (1) of the Patent Act, the provisions in Article 20 to revise Article 31, paragraph (1) of the Utility Model Act, the provisions in Article 21 to revise Article 42, paragraph (1) and paragraph (2) of the Design Act, the provisions in Article 22 to revise Article 40, paragraph (1) and paragraph (2) of the Trademark Act, the provisions in Article 28 to revise Article 5, paragraph (2) of the Guide Interpreter Act, and the provisions of Article 29 and Article 30 come into effect as of May 1, 1978.

Supplementary Provisions [Act No. 55 of May 23, 1978 Extract] [Extract]

(Effective Date, etc.)

- (1) This Act comes into effect as of the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:
 - (i) the provisions in Article 49 to revise Article 16-3, paragraph (3) and paragraph (4) of the Mental Health Act, and the provisions in Article 59 to revise Article 70 of the Forest Act: the day when a period of six months has elapsed from the date of promulgation;
 - (ii) the provisions of Article 1 (excluding, however, the part concerning the Council for Measures for Areas Susceptible to Typhoons) and Articles 6 to 9, the provisions in Article 10 to revise Article 7, paragraph (1) of the Act on Special Measures Concerning Promotion and Development of the Amami Islands, and the provisions of Article 11, Article 12, and Articles 14 to 32: the date specified by Cabinet Order within a period until March 31, 1979.

Supplementary Provisions [Act No. 45 of May 19, 1981 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation.

Supplementary Provisions [Act No. 78 of December 2, 1983 Extract]

- (1) This Act (excluding Article 1) comes into effect as of July 1, 1984.
- (2) Transitional measures necessary for organs, etc. existing under any Acts on the day preceding the date of enforcement of this Act, which are, following the date of enforcement of this Act, deemed to exist under the National Government Organizations Act or Cabinet Orders to be issued under relevant Acts revised by this Act (hereinafter referred to as "Relevant Cabinet Orders"), and other transitional measures necessary for the enactment, revision or discontinuation of Relevant Cabinet Orders upon the enforcement of this Act

may be specified by Cabinet Order.

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

(Effective Date)

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

(i) to (iii) Omitted;

(iv) the provisions in Article 36 to revise Article 54 of the Electricity Business Act, the provisions of Article 38 (excluding, however, the provisions to revise Article 8 of the Electrician Act), and the provisions of Article 8, paragraph (3) and Article 22 of the Supplementary Provisions: December 1, 1984;

(v) the provisions of Article 25, Article 26, Articles 28 to 30, Article 33, and Article 35, the provisions of Article 36 (excluding, however, the provisions to revise Article 54 of the Electricity Business Act; hereinafter the same applies 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 date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Transitional Measures upon Partial Revision of the Electricity Business Act)

Article 8 (1) With regard to the designation of a period for the installation of Electric Facilities and the commencement of business with a license under Article 3, paragraph (1) of the Electricity Business Act or for the change with permission under Article 8, paragraph (1) of said Act of the service area or the recipient of supply of electricity and the service point or the particulars concerning Electric Facilities, if an application for the license or permission has been filed prior to the enforcement of Article 36, the provisions in force at the time in question continue to apply.

(2) With regard to a notification under Article 42, paragraph (1) or Article 71, paragraph (1) of the Electricity Business Act prior to the revision by Article 36, which has been made prior to the enforcement of Article 36, a notification of the revision of the construction plan to which such notification pertained, and an order to revise or discontinue the construction plan to which these notifications pertained, the provisions in force at the time in question continue to apply.

(3) With regard to the granting of certification and a chief engineering license to a person who has applied for certification, prior to November 30, 1984,

pursuant to Article 54, paragraph (4), item (ii) of the Electricity Business Act prior to the revision by of Article 36, and the grant of a chief engineering license to a person who has obtained certification pursuant to said item or passed a national examination for a chief electricity engineering license prior to said date, the provisions in force at the time in question continue to apply. In this case, the person who intends to obtain certification or a chief engineering license must pay the fee determined by Cabinet Order in light of the actual cost.

- (4) With regard to the application of the provisions of Article 112, paragraph (1) of the Electricity Business Act revised by Article 36 for the period from the date of enforcement of Article 36 until November 30, 1984, the phrase "person who intends to obtain a chief engineering license pursuant to Article 54, paragraph (3), item (i) or item (ii), or by reason of having passed an examination for a chief electricity engineering license the Specific Examination Affairs of which are administered by a Designated Examining Body, a person who intends to take an examination for a chief electricity engineering license" in Article 112, paragraph (1) is deemed to be replaced with "person who intends to obtain certification pursuant to Article 54, paragraph (4), item (ii), a person who intends to take an examination for a chief electricity engineering license, a person who intends to obtain a chief engineering license."

(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 if the provisions in force at the time in question continue to apply pursuant to Article 3, Article 5, paragraph (5), Article 8, paragraph (2), Article 9 or Article 10 of the Supplementary Provisions, the provisions in force at the time in question continue to apply.

Supplementary Provisions [Act No. 65 of June 29, 1990 Extract] [Extract]

This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Commercial Code, etc.

(Transitional Measures Concerning Penal Provisions)

Article 42 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 if the provisions in force at the time in question continue to apply pursuant to Article 3 (including cases where it is applied mutatis mutandis pursuant to Article 10) and Article 12 of the

Supplementary Provisions of the Act for Partial Revision of the Commercial Code, etc., the provisions in force at the time in question continue to apply.

Supplementary Provisions [Act No. 61 of May 2, 1991 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures Concerning Penal Provisions)

- (2) With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions in force at the time in question continue to apply.

Supplementary Provisions [Act No. 63 of June 14, 1993 Extract]

- (1) This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Commercial Code, etc.

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

(Effective Date)

- Article 1 This Act comes into effect as of the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993).

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

- Article 2 If, 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, requesting 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 in force at the time in question continue to apply 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 in force at the time

in question continue to apply.

(Transitional Measures upon Arrangement of Provisions on Hearings)

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

(Delegation to Cabinet Order)

Article 15 Beyond 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 are specified by Cabinet Order.

Supplementary Provisions [Act No. 75 of April 21, 1995 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding nine months from the date of promulgation.

(Wholesale Electricity Utilities)

Article 2 (1) If business conducted by a person who has obtained, prior to the enforcement of this Act, a license for Wholesale Electricity Business set forth in Article 2, paragraph (3) of the Electricity Business Act prior to the revision (hereinafter referred to as the "Former Act") pursuant to Article 3, paragraph (1) of the Former Act, which is intended to supply a General Electric Utility with electricity to be used for its General Electricity Business, satisfies the requirements specified by Ordinance of the Ministry of International Trade and Industry under Article 2, paragraph (1), item (iii) of the Electricity Business Act after the revision (hereinafter referred to as the "New Act"), the license that the person has obtained under Article 3, paragraph (1) of the Former Act is deemed to have been obtained under Article 3, paragraph (1) of the New Act.

(2) If a person who has obtained, prior to the enforcement of this Act, a license for Wholesale Electricity Business under Article 3, paragraph (1) of the Former Act (excluding, however, persons who are deemed pursuant to the preceding paragraph to have obtained a license under Article 3, paragraph (1) of the New Act) has promised to supply a General Electric Utility with electricity to be used for its General Electricity Business, and such person has obtained a license under Article 3, paragraph (1) or permission under Article 8, paragraph (1) of the Former Act with respect to the Electric Facilities to be used for the supply of electricity, the business conducted by the person as promised to

supply the General Electric Utility with electricity to be used for its General Electricity Business is deemed to be Wholesale Electricity Business set forth in Article 2, paragraph (1), item (iii) of the New Act, and the license that the person has obtained under Article 3, paragraph (1) of the Former Act (limited, however, to the part concerning the business deemed to be Wholesale Electricity Business set forth in Article 2, paragraph (1), item (iii) of the New Act) is deemed to have been obtained under Article 3, paragraph (1) of the New Act; provided, however, that this does not apply with regard to the application of the provisions of Article 2, paragraph (3) and Article 29 of the New Act, and Article 24-4, paragraph (1) of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act and the Gas Business Act (Act No. 92 of 2003).

(Change of Electric Facilities)

Article 3 With regard to changes to the particulars listed in Article 6, paragraph (2), item (iv) of the Former Act, for which permission has been obtained under Article 8, paragraph (1) of the Former Act, it is deemed that notification has been given pursuant to Article 9, paragraph (1) of the New Act.

(Supply Conditions of General Electricity Utilities)

Article 4 General supply provisions which have been approved under Article 19, paragraph (1) of the Former Act prior to the enforcement of this Act are deemed to be general supply provisions approved under Article 19, paragraph (1) of the New Act.

Article 5 (1) Rates and other supply conditions approved under the proviso of Article 21 of the Former Act are, if they are approved by the Minister of International Trade and Industry within six months from the date of enforcement of this Act (hereinafter referred to as the "Date of Enforcement") pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry, deemed to have been approved under the proviso of Article 21 of the New Act.

(2) General Electricity Utilities may, within six months from the Date of Enforcement, supply electricity under the rates and other supply conditions approved under the proviso of Article 21 of the Former Act, without obtaining approval under the proviso of Article 21 of the New Act.

(Supply Conditions for Wholesale Supply)

Article 6 (1) Rates and other supply conditions which have been approved under Article 22, paragraph (1) of the Former Act prior to the enforcement of this Act with respect to the supply of electricity that falls under the category of

Wholesale Supply set forth in Article 2, paragraph (1), item (ix) of the New Act are deemed to have been approved under Article 22, paragraph (1) of the New Act.

- (2) If a person other than an Electricity Utility set forth in Article 2, paragraph (6) of the Former Act has promised, prior to the Date of Enforcement, to provide an supply of electricity that falls under the category of Wholesale Supply set forth in Article 2, paragraph (1), item (ix) of the New Act under particular rates and supply conditions, the person may, notwithstanding the provisions of Article 22, paragraph (1) of the New Act, provide the Wholesale Supply under such supply conditions.

(Facility Plans and Supply Plans)

Article 7 A facility plan of Electric Facilities and an supply of electricity plan for the business year that contains the Date of Enforcement, of which a General Electric Utility or a Wholesale Electricity Utility set forth in Article 2, paragraph (1), item (iv) of the New Act has given notification pursuant to Article 29, paragraph (1) of the Former Act, are deemed to be a supply plan for which notification was given pursuant to Article 29, paragraph (1) of the New Act.

(Examinations for Chief Electricity Engineering Licenses)

Article 8 A person who has passed a national examination for a chief electricity engineering license conducted under Article 56 of the Former Act is deemed to have passed an examination for a chief electricity engineering license conducted under Article 45 of the New Act.

Article 9 (1) Until April 1, 1997, the Ministry of International Trade and Industry has examiners for a chief electricity engineering license in order to have them to take charge of the affairs concerning an examination for such chief electricity engineering license under Article 45, paragraph (1) of the New Act (excluding, however, the affairs concerning an examination for a Third-Class Chief Electricity Engineering License).

- (2) Examiners for a chief electricity engineering license may, in addition to the affairs set forth in the preceding paragraph, state their opinions on the particulars concerning the qualification of a chief electricity engineer when requested by the Ministry of International Trade and Industry.
- (3) Until April 1, 1997, the Ministry of International Trade and Industry may have expert advisers for the examination for a chief electricity engineering license in order to have them to investigate technical particulars concerning the examination for a chief electricity engineering license.
- (4) Examiners for a chief electricity engineering license and expert advisers for

the examination for a chief electricity engineering license (hereinafter referred to as "Examiners, etc.") are appointed by the Minister of International Trade and Industry from among personnel of relevant administrative organs and people with knowledge and experience in electric engineering.

(5) Beyond what is provided for in the preceding paragraphs, any necessary particulars on Examiners, etc. are specified by Cabinet Order.

(Effect of Dispositions, etc.)

Article 10 Any dispositions, procedures or other acts conducted prior to the Date of Enforcement pursuant to the provisions of the Former Act or any order issued thereunder are, if the New Act or any order issued thereunder contains provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the New Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Application of Penal Provisions)

Article 11 With regard to the application of penal provisions to any acts committed prior to the Date of Enforcement, the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 12 Beyond 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 are specified by Cabinet Order.

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

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

(Transitional Measures upon Partial Revision of the Electricity Business Act)

Article 12 (1) With regard to the granting of a chief engineering license to a person who has filed an application for a chief engineering license, prior to the enforcement of Article 11, pursuant to Article 44, paragraph (2), item (iii) of the Electricity Business Act prior to the revision by Article 11, the provisions in force at the time in question continue to apply.

(2) The provisions of Article 55-2 of the Electricity Business Act revised by Article 11 do not apply to the heir, the corporation surviving after the merger or the corporation newly established upon the merger if inheritance or merger has taken place prior to the enforcement of Article 11.

(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 if the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions of this Act, the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 18 Beyond 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 are specified by Cabinet Order.

Supplementary Provisions [Act No. 88 of June 18, 1997 Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Environmental Impact Assessment Act.

(Transitional Measures)

Article 2 (1) With regard to Electric Facilities for Business Use pertaining to a Class 1 Project or a Class 2 Project that are excluded, pursuant to Article 3, paragraph (1) or paragraph (3) of the Supplementary Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters 2 to 7 of said Act, the provisions of Chapter 3, Section 2, Subsection 2-2 of the Electricity Business Act revised by this Act (hereinafter referred to as the "New Act") do not apply.

(2) With regard to the application of the provisions of Article 47, paragraph (3) of the New Act to the approval of a change of the construction plan that has been approved, prior to the enforcement of this Act, pursuant to Article 47, paragraph (1) of the Electricity Business Act prior to the revision by this Act (hereinafter referred to as the "Former Act"), if the construction project falls under the category of Class 1 Projects or Class 2 Projects that are excluded, pursuant to Article 3, paragraph (1) or paragraph (3) of the Supplementary Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters 2 to 7 of said Act, the phrase "the following items" in Article 47, paragraph (3) of the New Act is deemed to be replaced with "the following items (excluding items (iii) and (iv))."

(3) With regard to the application of the provisions of Article 48, paragraph (3) and paragraph (4) of the New Act to the notification given under Article 48, paragraph (1) of the Former Act prior to the enforcement of this Act and the notification of the change of the construction plan to which such notification

pertained, if the construction project falls under the category of Class 1 Projects or Class 2 Projects that are excluded, pursuant to Article 3, paragraph (1) or paragraph (3) of the Supplementary Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters 2 to 7 of said Act, the phrase "the items of paragraph (3) of the preceding Article" in Article 48, paragraph (3), item (i) of the New Act is deemed to be replaced with "the items of paragraph (3) of the preceding Article (excluding item (iii) and item (iv))," and the phrase "the items of the preceding paragraph" in Article 48, paragraph (4) of the New Act is deemed to be replaced with "paragraph (3), item (i) or item (ii) of the preceding Article or item (ii) of the preceding paragraph."

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 4 When ten years have elapsed since the enforcement of this Act, the government is to review the status of enforcement of this Act, and take any necessary measures based the results of said review.

Supplementary Provisions [Act No. 50 of May 21, 1999 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of March 21, 2000; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Articles 3 to 6 and Article 11 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 2, and the provisions of Articles 8 to 10, Article 19 (limited, however, to the provisions to revise Article 20-6, paragraph (1), item (iii) and Article 57-8, paragraph (1), item (iii) of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957)), Article 25 (limited, however, to the part revising Article 27, paragraph (2) of the Air Pollution Control Act (Act No. 97 of 1968) by revising "Article 2, paragraph (10)" to "Article 2, paragraph (12)"), Article 26 (limited, however, to the part revising Article 21, paragraph (1) of the Noise Regulation Act (Act No. 98 of 1968) by revising "Article 2, paragraph (10)" to "Article 2, paragraph (12)"), Article 30, and Article 31 (limited, however, to the part revising Article 18, paragraph (1) of the Vibration Regulation Act (Act No. 64 of 1976) by revising "Article 2,

paragraph (10)" to "Article 2, paragraph (12)") in the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

- (Transitional Measures upon Partial Revision of the Electricity Business Act)
- Article 2 (1) With regard to the transfer of facilities used for Electricity Business or making them subject to any rights other than ownership (hereinafter referred to as "Transfer of Facilities, etc." in the following paragraph) for which permission has been obtained under Article 13, paragraph (1) of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Former Electricity Act"), it is deemed that notification has been given pursuant to Article 13, paragraph (1) of the Electricity Business Act revised by Article 1 (hereinafter referred to as the "New Electricity Act").
- (2) An application for permission of Transfer of Facilities, etc. filed under Article 13, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act is deemed to be a notification given pursuant to Article 13, paragraph (1) of the New Electricity Act.
 - (3) Supply provisions approved under Article 19, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act (excluding, however, the part exclusively pertaining to specified-scale demand prescribed in Article 2, paragraph (1), item (vii) of the New Electricity Act (hereinafter referred to as "Specified-Scale Demand")) are deemed to be general supply provisions approved under Article 19, paragraph (1) of the New Electricity Act.
 - (4) Optional Supply Provisions for which notification was given under Article 19, paragraph (4) of the Former Electricity Act prior to the enforcement of this Act (excluding, however, the part exclusively pertaining to Specified-Scale Demand) are deemed to be Optional Supply Provisions for which notification was given under Article 19, paragraph (7) of the New Electricity Act.
 - (5) General Electricity Utilities that supplies electricity to meet Specified-Scale Demand under general supply provisions approved under Article 19, paragraph (1) of the Former Electricity Act, Optional Supply Provisions for which notification was given pursuant to paragraph (4) of said Article, or rates and other supply conditions approved under the proviso of Article 21 of the Former Electricity Act may, if such approval or notification has been granted or given prior to the enforcement of this Act, continue to supply electricity to meet such Specified-Scale Demand as before on the date of enforcement of this Act (hereinafter referred to as the "Date of Enforcement") and thereafter, notwithstanding the provisions of Article 21, paragraph (2) of the New Electricity Act.
 - (6) Rates and other supply conditions approved under the proviso of Article 21 of the Former Electricity Act (excluding, however, the part exclusively pertaining

to Specified-Scale Demand) are deemed, if they are approved by the Minister of International Trade and Industry within one month from the Date of Enforcement pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry, to have been approved under the proviso of Article 21, paragraph (1) of the New Electricity Act.

- (7) General Electricity Utilities may, within one month from the Date of Enforcement, supply electricity under the rates and other supply conditions approved under the proviso of Article 21 of the Former Electricity Act (excluding, however, the part exclusively pertaining to Specified-Scale Demand), without obtaining approval under the proviso of Article 21, paragraph (1) of the New Electricity Act.
- (8) With regard to rates and other supply conditions approved under Article 22, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act, it is deemed that notification has been given pursuant to Article 22, paragraph (1) of the New Electricity Act.
- (9) An application for approval of supply conditions for Wholesale Supply filed under Article 22, paragraph (1) of the Former Electricity Act prior to the enforcement of this Act is deemed to be a notification given under Article 22, paragraph (1) of the New Electricity Act.

Article 3 (1) General Electricity Utilities that has obtained a license under Article 3, paragraph (1) of the Former Electricity Act prior to the promulgation of this Act must, by January 4, 2000, formulate provisions prescribed in Article 19-2, paragraph (1) of the New Electricity Act, and notify the Minister of International Trade and Industry of the provisions pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry. The same applies if the General Electric Utility intends to revise the provisions (limited, however, to the cases where an order has been issued under paragraph (2) of said Article as applied *mutatis mutandis* pursuant to the following paragraph).

- (2) The provisions of Article 19-2, paragraph (2) of the New Electricity Act apply *mutatis mutandis* to provisions to which the notification given under the preceding paragraph pertained.
- (3) General Electricity Utilities that have given notification pursuant to paragraph (1) must, pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry, display the provisions for which notification was given pursuant to said paragraph at a place accessible to the public in its business office or place of business.
- (4) Provisions for which notification was given pursuant to paragraph (1) become effective on the Date of Enforcement.
- (5) Provisions for which notification was given pursuant to paragraph (1) are deemed to be provisions for which notification was given pursuant to Article

19-2, paragraph (1) of the New Electricity Act.

Article 4 (1) A Designated Electricity Utility that has received designation under Article 24-3, paragraph (1) of the Former Electricity Act prior to the promulgation of this Act must, by January 4, 2000, formulate Cross-Area Wheeling Service provisions prescribed in Article 24-3, paragraph (1) of the New Electricity Act to set rates and other supply conditions for such Cross-Area Wheeling Service with respect to electricity to be used for a Specified-Scale Electricity Business prescribed in Article 2, paragraph (1), item (vii) of the New Electricity Act, and notify the Minister of International Trade and Industry of the rates and conditions pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry. The same applies if the Designated Electricity Utility intends to revise the rates and conditions (limited, however, to the cases where an order has been issued under Article 24-3, paragraph (3) of the New Electricity Act as applied *mutatis mutandis* pursuant to the following paragraph).

(2) The provisions of Article 24-3, paragraph (3) of the New Electricity Act apply *mutatis mutandis* to Cross-Area Wheeling Service provisions to which the notification given under the preceding paragraph pertained.

(3) A Designated Electricity Utility that has given notification pursuant to paragraph (1) must, pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry, publicize the Cross-Area Wheeling Service provisions for which notification was given pursuant to said paragraph.

(4) Cross-Area Wheeling Service provisions for which notification was given pursuant to paragraph (1) are to become effective on the Date of Enforcement.

(5) Cross-Area Wheeling Service provisions for which notification was given pursuant to paragraph (1) are deemed to be a Cross-Area Wheeling Service provisions for which notification was given pursuant to Article 24-3, paragraph (1) of the New Electricity Act.

Article 5 (1) General Electricity Utilities that has obtained a license under Article 3, paragraph (1) of the Former Electricity Act prior to the promulgation of this Act must, by January 4, 2000, pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry, formulate Intra-Area Wheeling Service provisions prescribed in Article 24-4, paragraph (1) of the New Electricity Act, and notify the Minister of International Trade and Industry of the provisions pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry. The same applies if the General Electric Utility intends to revise the provisions (limited, however, to cases where an order has been issued under paragraph (3) of said Article as applied *mutatis mutandis* pursuant to the following paragraph).

- (2) The provisions of Article 24-4, paragraph (3) of the New Electricity Act apply mutatis mutandis to Intra-Area Wheeling Service provisions to which the notification given under the preceding paragraph pertained.
- (3) General Electricity Utilities that has given a notification pursuant to paragraph (1) must, pursuant to the provisions of Ordinance of the Ministry of International Trade and Industry, publicize the Intra-Area Wheeling Service provisions for which notification was given pursuant to said paragraph.
- (4) Intra-Area Wheeling Service provisions for which notification was given pursuant to paragraph (1) are to become effective on the Date of Enforcement.
- (5) Intra-Area Wheeling Service provisions for which notification was given pursuant to paragraph (1) are deemed to be Intra-Area Wheeling Service provisions for which notification was given pursuant to Article 24-4, paragraph (1) of the New Electricity Act.

Article 6 (1) A person who has violated an order issued under Article 19-2, paragraph (2) of the New Electricity Act as applied mutatis mutandis pursuant to Article 3, paragraph (2) of the Supplementary Provisions, Article 24-3, paragraph (3) of the New Electricity Act as applied mutatis mutandis pursuant to Article 4, paragraph (2) of the Supplementary Provisions, or Article 24-4, paragraph (3) of the New Electricity Act as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is punished by a fine of not more than three million yen.

- (2) A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:
 - (i) a person who has failed to give notification under Article 3, paragraph (1) or Article 4, paragraph (1) of the Supplementary Provisions or paragraph (1) of the preceding Article, or given a false notification;
 - (ii) a person who has violated Article 3, paragraph (3) of the Supplementary Provisions;
 - (iii) a person who has, in violation of Article 4, paragraph (3) of the Supplementary Provisions or paragraph (3) of the preceding Article, failed to publicize necessary particulars.
- (3) If the representative of a corporation or an agent, employee or other worker of a corporation or an individual has, with regard to the business of the corporation or individual, committed the violations prescribed in the preceding two paragraphs, not only is the offender punished, but also the corporation or individual is punished by the fine prescribed in the respective paragraphs.

Article 7 Any dispositions, procedures or other acts conducted prior to the Date of Enforcement pursuant to the provisions of the Former Electricity Act or any order issued thereunder are, if the New Electricity Act or any order issued

thereunder contains provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the New Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning Penal Provisions)

Article 10 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions listed in Article 1, item (ii) of the Supplementary Provisions), the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 11 Beyond 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 are specified by Cabinet Order.

(Review)

Article 12 When three years have elapsed since the enforcement of this Act, the government is to review the status of enforcement of this Act, and take any necessary measures based on the results of said review.

Supplementary Provisions [Act No. 87 of July 16, 1999 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

(i) the provisions for revision in Article 1 to add five articles, the section title, and two subsections and the titles thereof following Article 250 of the Local Autonomy Act (limited, however, to the part concerning Article 250-9, paragraph (1) of said Act (limited, however, to the part concerning the requirement of consent of both Houses)), the provisions in Article 40 to revise paragraph (9) and paragraph (10) of the Supplementary Provisions of the Natural Parks Act (limited, however, to the part concerning paragraph (10) of the Supplementary Provisions of said Act), the provisions of Article 244 (excluding, however, the part concerning the provisions to revise Article 14-3 of the Agricultural Improvement and Promotion Act), and the provisions of Article 472 (excluding, however, the part concerning the provisions to revise Article 6, Article 8, and Article 17 of the Act on Special Provisions Concerning Merger of Municipalities), and the provisions of Article 7, Article 10, Article 12, proviso of Article 59, Article 60, paragraph (4) and paragraph

(5), Article 73, Article 77, Article 157, paragraphs (4) to (6), Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation.

(Affairs of the State, etc.)

Article 159 Beyond what is provided for in the respective Acts prior to the revision by this Act, affairs that are managed or performed, prior to the enforcement of this Act, by an organ of a local public entity on behalf of the State, other local public entity or other public bodies pursuant to Acts or Cabinet Order enacted thereunder (hereinafter referred to as "Affairs of the State, etc." in Article 161 of the Supplementary Provisions) are to, after the enforcement of this Act, be handled by the local public entity as its own affairs pursuant to Acts or Cabinet Order enacted thereunder.

(Transitional Measures Concerning Dispositions, Applications, etc.)

Article 160 (1) With respect to dispositions to grant licenses/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 applies in this Article and Article 163 of the Supplementary Provisions), pursuant to the respective Acts prior to the revision (hereinafter referred to as "Dispositions and Other Acts" in this Article) or applications for licenses/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, are 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.

(2) With respect to particulars for which reports, notification, submission or other procedures must be conducted before the organs of the State or local public entities, prior to the enforcement of this Act, pursuant to the respective Acts prior to the revision, if these procedures have not yet been conducted by the date of enforcement of this Act, the provisions of the respective Acts revised by this Act apply to such procedures, except those otherwise provided by this Act or Cabinet Order enacted thereunder, on the assumption that reports, notification, submission or other procedures have not yet been

conducted with respect to particulars for which such procedures must be conducted before the organs of the State or local public entities pursuant to the relevant provisions of the respective revised Acts.

(Transitional Measures Concerning Appeals)

Article 161 (1) With respect to dispositions pertaining to Affairs of the State, etc. made prior to the Date of Enforcement by the administrative agencies (hereinafter referred to as the "Administrative Agencies That Made Dispositions" in this Article) that have been subordinated, prior to the Date of Enforcement, to higher administrative agencies prescribed under the Administrative Appeal Act (hereinafter referred to as the "Higher Administrative Agencies" in this Article), the Administrative Appeal Act applies to appeals filed against such dispositions pursuant to said Act, on the assumption that the Administrative Agencies That Made the Dispositions are still subordinate to the Higher Administrative Agencies after the date of enforcement. In this case, the administrative agencies that are deemed to be Higher Administrative Agencies of the Administrative Agencies That Made Dispositions are the administrative agencies to which the Administrative Agencies That Made Dispositions have been subordinated prior to the date of enforcement.

(2) In the case referred to in the preceding paragraph, if the administrative agencies that are deemed to be Higher Administrative Agencies are organs of local public entities, the affairs to be handled by the organs pursuant to the provisions of the Administrative Appeal Act are Item (i) Statutory Entrusted Functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to fees payable prior to the Date of Enforcement pursuant to the provisions of the respective Acts prior to revision by this Act (including orders issued thereunder), except those otherwise provided by this Act or Cabinet Order enacted thereunder, the provisions in force at the time in question continue to apply.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions in force at the time in question continue to apply.

(Delegation of Other Transitional Measures to Cabinet Orders)

Article 164 (1) Beyond what is provided for in the Supplementary Provisions,

any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(2) Any necessary particulars concerning the application of the provisions of Article 18, Article 51, and Article 184 of the Supplementary Provisions are specified by Cabinet Order.

(Review)

Article 250 Item (i) Statutory Entrusted Functions prescribed in Article 2, paragraph (9), item (i) of the new Local Autonomy Act are to, in addition, be created to the minimum possible extent, and such affairs listed in Appended Table I of the new Local Autonomy Act and those provided for by Cabinet Order enacted under the new Local Autonomy Act are to be examined from the perspective of promoting decentralization and be reviewed appropriately.

Article 251 The government is to, in order to enable local public entities to execute their affairs and services voluntarily and independently, examine how to secure adequate sources of local tax revenue based on the sharing of roles between the State and local public entities taking into account the prevailing economic trends, and take the necessary measures based on examination results.

Article 252 The government is to, along with various reforms such as the medical insurance system reform and the pension system reform, study an ideal administrative system for social insurance and a desirable personnel system therefor from the viewpoint of ensuring convenience for the insured and increasing efficiency in administration, and take measures as required based on results of studies, if it finds it necessary to do so.

**Supplementary Provisions [Act No. 102 of July 16, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

(ii) the provisions of Article 10, paragraph (1) and paragraph (5), Article 14, paragraph (3), Article 23, Article 28, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Succession of Status as an Official)

Article 3 A person who is an official (excluding, however, the chairperson and members of the Council, etc. under Article 8 of the National Government Organization Act (Act No. 120 of 1948)), the members of the Central Disaster Prevention Council, the chairperson and members of the Japanese Industrial Standards Committee, and those specified by Cabinet Order as similar persons) of the former Prime Minister's Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labor, Ministry of Construction or Ministry of Home Affairs (hereinafter referred to as the "Former Office or Ministry" in this Article) at the time of enforcement of this Act is to, unless an appointment is announced separately, become a corresponding official of the Cabinet Office, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, or Ministry of the Environment after the enforcement of this Act (hereinafter referred to as the "New Office or Ministry" in this Article) or a department or organization established thereunder, which is specified by Cabinet Order as the New Office or Ministry or the department or organization established thereunder that corresponds to the Former Office or Ministry or the department or organization established thereunder to which said official belongs at the time of enforcement of this Act, with the same working conditions.

(Other Provided Transitional Measures)

Article 30 Beyond what is provided for in Article 2 to the preceding Article, any necessary transitional measures for the enforcement of this Act are provided by other Acts.

**Supplementary Provisions [Act No. 121 of August 6, 1999 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of July 1, 2000; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 8, Article 23, Article 51, Article 66 of the Supplementary Provisions: the date of promulgation;

(ii) the provisions of Article 2, Article 14, Article 27, Article 39, Article 44, and Article 52 of the Supplementary Provisions: April 1, 2000.

(Transitional Measures upon Partial Revision of the Electricity Business Act)

Article 39 A person who intends to receive designation under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (2) of the Electricity Business Act revised by Article 9 (hereinafter referred to as the "New Electricity Business Act") may file an application for designation prior to the enforcement of Article 9. The same applies if the person intends to file an application for approval of Operational Rules under Article 72, paragraph (1) of the New Electricity Business Act as applied mutatis mutandis pursuant to Article 81-3 of the New Electricity Business Act.

Article 40 With regard to the application of Article 42, paragraph (1) of the New Electricity Business Act to a person who has commenced, prior to the enforcement of Article 9, a construction project to install Electric Facilities subject to a self-inspection as set forth in Article 50-2, paragraph (1) or Article 52, paragraph (1) of the New Electricity Business Act, the phrase "before the commencement of the use of the Electric Facilities for Business Use by the organization (in the case of the facilities requiring self-inspection set forth in Article 50-2, paragraph (1) or Article 52, paragraph (1), before the commencement of the construction of the facilities)" in Article 42, paragraph (1) of the New Electricity Business Act is deemed to be replaced with "without delay after the enforcement of Article 9 of the Act on Consolidation and Streamlining of Standards and Certification Systems Relating to the Ministry of International Trade and Industry (Act No. 121 of 1999)."

Article 41 With regard to inspections of machines and apparatus of which an application for inspection has been filed, prior to the enforcement of Article 9, pursuant to Article 52, paragraph (1) of the Electricity Business Act prior to the revision by Article 9 (hereinafter referred to as the "Former Electricity Business Act"), the provisions in force at the time in question continue to apply.

Article 42 A person who has received designation under Article 55, paragraph (1) of the Former Electricity Business Act prior to the enforcement of Article 9 is deemed to have received designation under Article 49, paragraph (1) or Article 54 of the New Electricity Business Act on the date of enforcement of Article 9.

Article 43 A person who has received designation under Article 57-2, paragraph (1) of the Former Electricity Business Act prior to the enforcement of Article 9

is deemed to have received designation under Article 57-2, paragraph (1) of the New Electricity Business Act on the date of enforcement of Article 9.

(Effect of Dispositions, etc.)

Article 68 Any dispositions, procedures or 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), pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same applies in this Article) are, if the respective revised Acts contain provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 69 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions of the items of Article 1 of the Supplementary Provisions) (or with respect to the Consumer Product Safety Association, prior to the provisions of the former Consumer Product Safety Act losing effect despite Article 10 of the Supplementary Provisions deeming that these provisions remain in force; with respect to the High Pressure Gas Safety Institute of Japan, prior to the provisions of the former High Pressure Gas Safety Act losing effect despite Article 30 of the Supplementary Provisions deeming that these provisions remain in force) as well as any acts committed after the enforcement of this Act if the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions, the provisions in force at the time in question continue to apply.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 70 Beyond what is provided for in Articles 2 to 9 and Article 14 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

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

(Effective Date)

Article 1 This Act (excluding Article 2 and Article 3) comes into effect as of January 6, 2001.

Supplementary Provisions [Act No. 53 of April 28, 2000 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [Act No. 91 of May 31, 2000 Extract]

(Effective Date)

(1) This Act comes into effect as of the date of enforcement of the Act for Partial Revision of the Commercial Code, etc. (Act No. 90 of 2000).

(Transitional Measures)

(2) If the date of enforcement of this Act comes before the date of enforcement of Article 8 of the Supplementary Provisions of the Act on the Center for Food Quality, Labeling and Consumer Services (Act No. 183 of 1999), the term "Article 27" in the provisions in Article 31 to revise Article 19-5-2, Article 19-6, paragraph (1), item (iv), and Article 27 of the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products is deemed to be replaced with "Article 26."

Supplementary Provisions [Act No. 75 of June 27, 2001 Extract] [Extract]

(Effective Date, etc.)

Article 1 This Act comes into effect as of April 1, 2002 (hereinafter referred to as the "Date of Enforcement"), and applies to short-term bonds, etc. issued on the Date of Enforcement and thereafter.

(Transitional Measures Concerning Application of Penal Provisions)

Article 7 With regard to the application of penal provisions to any acts committed prior to the Date of Enforcement as well as any acts committed after the Date of Enforcement if the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions, the provisions in force at the time in question continue to apply.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 8 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 9 When five years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of enforcement of this Act and changes in the socioeconomic circumstances, review the system concerning Transfer Agencies, and take any necessary measures based on the review results if it is found necessary.

Supplementary Provisions [Act No. 65 of June 12, 2002 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of January 6, 2003.

(Transitional Measures Concerning Application of Penal Provisions)

Article 84 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions of the items of Article 1 of the Supplementary Provisions; hereinafter the same applies in this Article) as well as any acts committed after the enforcement of this Act if the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions, the provisions in force at the time in question continue to apply.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 85 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 86 When five years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of enforcement of the new Act on Transfer of Bonds, etc., the new Securities Exchange Act, and the Financial Futures Exchange Act as well as changes in the socioeconomic circumstances, review the systems concerning Participant Protection Trusts prescribed in Article 2, paragraph (11) of the new Act on Transfer of Bonds, etc., Securities Clearing Agencies prescribed in Article 2, paragraph (31) of the new Securities Exchange Act and Financial Futures Clearing Agencies prescribed in Article 2, paragraph (15) of the new Financial Futures Exchange Act, and take measures as required based on the review results if it finds it necessary.

**Supplementary Provisions [Act No. 178 of December 18, 2002 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions for revision in Article 1 to add two articles following Article 107 of the Electricity Business Act, and the provisions for revision in Article 2 to add two articles following Article 72-2 of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors: April 1, 2003;
- (ii) the provisions of Article 3: the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 179 of December 18, 2002 Extract]
[Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2003; provided, however, that the provisions of Article 13, paragraph (2) and the provisions of Articles 8 to 13 of the Supplementary Provisions come into effect as of the date specified by Cabinet Order under Article 1, item (ii) of the Supplementary Provisions of the Act for Partial Revision of the Electricity Business Act and the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 178 of 2002).

(Transitional Measures upon Partial Revision of the Electricity Business Act)

Article 11 With regard to the examination of the system for conducting Operator's Inspections on Welding for which an application for examination has been filed, prior to the enforcement of the preceding Article, pursuant to Article 52, paragraph (3) of the Electricity Business Act prior to the revision by the preceding Article (limited, however, to such examination to be conducted by the JNES pursuant to Article 52, paragraph (3) of the Electricity Business Act revised by the preceding Article), the provisions in force at the time in question continue to apply.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 13 With regard to the application of penal provisions to any acts committed prior to the enforcement of the proviso of Article 1 of the Supplementary Provisions as well as any acts committed after the enforcement of said proviso if the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions, the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 14 Beyond what is provided for in Articles 2 to 7, Article 9, Article 11, and the preceding Article in the Supplementary Provisions, any necessary transitional measures upon the establishment of the JNES and any other necessary measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 54 of May 30, 2003 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004.

(Transitional Measures Concerning Application of Penal Provisions)

Article 38 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions in force at the time in question continue to apply.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 39 Beyond what is provided for in this Act, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 40 When five years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of implementation of respective provisions revised by this Act and changes in socioeconomic circumstances, review the relevant financial systems revised by this Act and take any necessary measures based on the review results if it is found necessary.

Supplementary Provisions [Act No. 76 of June 11, 2003 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of March 1, 2004; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 13 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 3, paragraph (1), Article 4, paragraph (1), Article 5, paragraph (1), Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), and Article 9, paragraph (1): October 1, 2003.

(Transitional Measures upon Partial Revision of the Electricity Business Act)

Article 9 (1) A person who intends to be registered under Article 50-2, paragraph (3), Article 52, paragraph (3), Article 55, paragraph (4), or Article 57-2, paragraph (1) of the Electricity Business Act revised by Article 8 (hereinafter referred to as the "New Electricity Business Act") may file an application for registration prior to the enforcement of this Act. The same applies if the person intends to give notification of the Operational Rules under Article 73, paragraph (1) or Article 92-3, paragraph (1) of the New Electricity Business Act.

(2) A person who has received designation, prior to the enforcement of this Act, under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the Electricity Business Act prior to the revision by Article 8 (hereinafter referred to as the "Former Electricity Business Act") or under Article 57-2, paragraph (1) of the Former Electricity Business Act is deemed to have been registered under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the New Electricity Business Act or under Article 57-2, paragraph (1) of the New Electricity Business Act respectively. In this case, the registration is valid for the period during which the designation under Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the Former Electricity Business Act or under Article 57-2, paragraph (1) of the Former Electricity Business Act remains valid.

(3) With regard to a Safety Management Examination for which an application has been filed at the Minister of Economy, Trade and Industry, prior to the enforcement of this Act, pursuant to Article 50-2, paragraph (3), Article 52, paragraph (3), or Article 55, paragraph (4) of the Former Electricity Business Act, the provisions in force at the time in question continue to apply.

(Effect of Dispositions, etc.)

Article 11 Any dispositions, procedures or 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), pursuant to the provisions of the respective Acts prior to revision (including orders issued thereunder; hereinafter the same applies in this Article) are, if the respective revised Acts contain provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 12 With regard to the application of penal provisions to any acts committed 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 applies in this Article) as well as any acts committed after the enforcement of this Act if the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions, the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 13 Beyond 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 (including transitional measures concerning penal provisions) are specified by Cabinet Order.

Supplementary Provisions [Act No. 92 of June 18, 2003 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 3 (excluding paragraph (5)) to Article 5, Article 9 (excluding paragraph (5)) to Article 11, Article 15, Article 16, and Article 39 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions in Article 1 to revise the table of contents of the Electricity Business Act, revise Chapter 6 of the Electricity Business Act, revise Article 106, Article 107, Article 112-2, Article 117-3, Article 117-4, and Article 119-2 of the Electricity Business Act, the provisions of Article 3, and the provisions of Article 17, Article 18, Article 19, paragraph (1), Articles 20 to 38, Article 41, Article 43, Article 45, Article 46, Article 48, Article 51, and Articles 55 to 57 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation;
- (iii) the provisions of Article 2, and the provisions of Article 7, Article 8, Article 9, paragraph (5), Articles 12 to 14, Article 44, Article 47, Article 49, Article 50 (limited, however, to the part revising "Article 2, paragraph (12)" to "Article 2, paragraph (13)"), Article 52, and Article 53 of the Supplementary Provisions: April 1, 2004.

(Transitional Measures upon Partial Revision of the Electricity Business Act)

Article 2 (1) With regard to the change to which a notification given prior to the enforcement of this Act, pursuant to Article 9, paragraph (1) of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Former Electricity Business Act") pertained, the provisions in force at the time in question continue to apply.

- (2) With regard to the grant of a license under Article 17, paragraph (1) of the Former Electricity Business for which an application has been filed prior to the enforcement of this Act, the provisions in force at the time in question continue to apply.

Article 3 (1) General Electricity Utilities that has obtained a license under Article 3, paragraph (1) of the Former Electricity Business Act prior to the promulgation of this Act must, by January 4, 2005, formulate Wheeling Service provisions prescribed in Article 24-3, paragraph (1) of the Electricity Business Act revised by Article 1 (hereinafter referred to as the "New Electricity Business Act") pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, and notify the Minister of Economy, Trade and Industry of the provisions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry. The same applies if the General Electric Utility intends to revise the provisions (limited, however, to the cases where an order has been issued under paragraph (3) of said Article as applied mutatis mutandis pursuant to the following paragraph).

- (2) The provisions of Article 24-3, paragraph (3) of the New Electricity Business Act apply mutatis mutandis to Wheeling Service provisions for which notification was given pursuant to the preceding paragraph.
- (3) General Electricity Utilities that has given a notification pursuant to paragraph (1) must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, publicize the Wheeling Service provisions for which notification was given pursuant to said paragraph.
- (4) Wheeling Service provisions for which notification was given pursuant to paragraph (1) become effective on the date of enforcement of this Act.
- (5) Wheeling Service provisions for which notification was given pursuant to paragraph (1) are deemed to be Wheeling Service provisions for which notification was given pursuant to Article 24-3, paragraph (1) of the New Electricity Business Act.

Article 4 (1) A person who has violated an order issued under Article 24-3, paragraph (3) of the New Electricity Business Act as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article is punished by a fine of not more than three million yen.

- (2) A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:
- (i) a person who has failed to give notification under paragraph (1) of the preceding Article or given a false notification;
 - (ii) a person who has, in violation of paragraph (3) of the preceding Article, failed to publicize necessary particulars.

(3) If the representative of a corporation or an agent, employee or other worker of a corporation or an individual has, with regard to the business of the corporation or individual, committed the violations prescribed in the preceding two paragraphs, not only is the offender punished but also the corporation or individual is punished by the fine prescribed in the respective paragraphs.

Article 5 The grant of approval under the proviso of Article 24-3, paragraph (2) and the proviso of Article 24-4, paragraph (1) of the New Electricity Business Act as well as procedures and other acts necessary for such grant may be conducted prior to the enforcement of this Act.

Article 6 Any dispositions, procedures or other acts conducted prior to the date of enforcement of this Act pursuant to the provisions of the Former Electricity Business Act or any order issued thereunder are, if the New Electricity Business Act or any order issued thereunder contains provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the New Electricity Business Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 38 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions listed in Article 1, item (ii) and item (iii) of the Supplementary Provisions; hereinafter the same applies in this Article) as well as any acts committed after the enforcement of this Act if the provisions in force at the time in question continue to apply pursuant to the Supplementary Provisions, the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 39 Beyond 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 are specified by Cabinet Order.

(Reviews)

Article 40 When three years have elapsed since the enforcement of this Act (or the respective provisions listed in Article 1, item (iii) of the Supplementary Provisions; hereinafter the same applies in this Article), the government is to, while taking into account the status of enforcement of the provisions of this Act, review the provisions of this Act, and take any necessary measures based on the review if it is found necessary.

Supplementary Provisions [Act No. 84 of June 9, 2004 Extract] [Extract]

(Effective Date)

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

(Reviews)

Article 50 When five years have elapsed since the enforcement of this Act, the government is to review the status of enforcement of the new Act, and take measures as required based on the review results if it is found necessary.

Supplementary Provisions [Act No. 88 of June 9, 2004 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding five years from the date of promulgation (hereinafter referred to as the "Date of Enforcement").

(Transitional Measures Concerning the Application of Penal Provisions)

Article 135 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 if the provisions in force at the time in question continue to apply or remain in force pursuant to the Supplementary Provisions, the provisions in force at the time in question continue to apply.

(Delegation to Other Transitional Measures to Cabinet Order)

Article 136 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 137 When five years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of implementation of respective provisions revised by this Act and changes in the socioeconomic circumstances, review the settlement system concerning stock trading, etc. as revised by this Act, and take measures as required based on the review results if it is found necessary.

Supplementary Provisions [Act No. 94 of June 9, 2004 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2005; provided, however, that the provisions of Article 7 and Article 28 of the Supplementary Provisions come into effect as of the date of promulgation, and the provisions of Article 4, paragraphs (1) to (5) and paragraphs (9) to (11), Article 5, and Article 6 of the Supplementary Provisions come into effect as of October 1, 2004.

(Transitional Measures Concerning Dispositions, etc.)

Article 26 Any dispositions, procedures or other acts conducted, prior to the enforcement of this Act, pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same applies in this Article) are, if the respective revised Acts contain provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 27 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 28 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 29 When five years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of enforcement of the new Mine Safety Act, review the provisions of the new Mine Safety Act, and take any necessary measures based on the review results.

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

(1) This Act comes into effect as of the date of enforcement of the Companies Act.

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

This Act comes into effect as of the date of enforcement of the Act on General Incorporated Associations and General Incorporated Foundations.

Supplementary Provisions [Act No. 27 of April 27, 2011 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

(ii) the provisions of Article 1 and the provisions for revision in Article 2 to add a new section and the section title before Article 4 in Chapter II of the Environmental Impact Assessment Act (limited, however, to the part concerning Article 3-8 of said Act) and to add four articles following Article 38 in Chapter VI of said Act (limited, however, to the part concerning Article 38-2, paragraph (3) of said Act), as well as the provisions of the following Article to Article 4 of the Supplementary Provisions, and the provisions of Article 11 of the Supplementary Provisions (excluding, however, the provisions to revise the table of contents of the Electricity Business Act (Act No. 170 of 1964), the provisions to revise Article 46-4 and Article 46-22 of said Act, as well as the provisions for revision to re-number Article 46-22 as Article 46-23, re-number Article 46-21 as Article 46-22, and add a new article following Article 46-20): the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

Supplementary Provisions [Act No. 74 of June 24, 2011 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

**Supplementary Provisions [Act No. 109 of August 30, 2011 Extract]
[Extract]**

(Effective Date)

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

(Transitional Measures Concerning Application for Permission for Change)

Article 2 An application for permission for change which was filed, prior to the date of enforcement of this Act (hereinafter referred to as the "Date of Enforcement"), pursuant to Article 8, paragraph (1) of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Former Electricity Business Act") and for which a disposition to grant or not to grant permission has not been made by the time of enforcement of this Act, is deemed

to be an application for permission filed pursuant to Article 8, paragraph (1) of the Electricity Business Act after the revision by Article 1 (hereinafter referred to as the "New Electricity Business Act") if the relevant change does not fall within the category of minor changes specified by Ordinance of the Ministry of Economy, Trade and Industry under the proviso of Article 8, paragraph (1) of the New Electricity Business Act, or is deemed to be a notification of change given pursuant to paragraph (3) of said Article as of the Date of Enforcement if the relevant change falls within the category of minor changes specified by Ordinance of the Ministry of Economy, Trade and Industry under the proviso of paragraph (1) of said Article.

(Transitional Measures Concerning the Designation of Organizations to Support Electricity Transmission and Distribution, etc.)

Article 3 If a person who has received, prior to the enforcement of this Act, designation under Article 93, paragraph (1) of the Former Electricity Business Act, such person is deemed to have received designation under Article 93, paragraph (1) of the New Electricity Business Act as of the Date of Enforcement.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Reviews)

Article 5 When three years have elapsed since the enforcement of this Act, the government is to, while taking into account the status of enforcement of this Act, review the provisions of this Act, and take any necessary measures based on the review results if it is found necessary.

Supplementary Provisions [Act No. 35 of June 12, 2013 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding one month from the date of promulgation; provided, however, that the provisions of Article 2 (limited, however, to the provisions to revise Table of Contents of the River Act (limited, however, to the part revising "Article 15" to "Article 15-2"), the provisions to revise Article 15 of said Act, the provisions for revision in Chapter II, Section 1 of said Act to add an article following said Article, the provisions to revise Article 23 of said Act, the provisions for revision to add three articles following said Article, the

provisions to revise Article 32 of said Act, the provisions to revise Article 33 (including the heading) of said Act, the provisions to revise Articles 34 to 36 and Article 38 of said Act, the provisions to revise Article 41 (including the heading) of said Act, the provisions to revise Article 75 of said Act (excluding the part adding ", tsunamis " following "floods" in paragraph (2), item (iii) of said Article), the provisions to revise Articles 76 to 79 and Article 87 of said Act, the provisions to revise Article 88 (including the heading) of said Act, the provisions to revise Articles 90 and 95 of said Act, the provisions to revise Articles 100-3, paragraph (1), item (i) of said Act (the part adding ", Article 15-2, paragraph (1)" following "Article 15" and the part revising "to Article 25" to "to Article 23-3, Article 24, Article 25")) and the provisions of Article 3, Article 7 (limited, however, the part revising item (i) (a) of the section concerning the River Act (Act No. 167 of 1964) of Appended Table I of the Local Autonomy Act (Act No. 67 of 1947) by adding ", Article 15-2, paragraph (1)" following "Article 15" and the part revising "to Article 25" to "to Article 23-3, Article 24, Article 25"), Article 8, Article 9 and Articles 11 to 14 of the Supplementary Provisions come into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [Act No. 53 of June 21, 2013 Extract] [Extract]

(Effective Date)

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

(i) and (ii) Omitted;

(iii) the provisions of Article 9 of the Supplementary Provisions: the date of promulgation of this Act or the date of promulgation of the Act for Partial Revision of the Flood Prevention Act and the River Act (Act No. 35 of 2013), whichever comes later.

Supplementary Provisions [Act No. 74 of November 20, 2013]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:

(i) the provisions of the following Article (excluding paragraph (5)) and Article 3, Article 10 and Article 11 of the Supplementary Provisions: the date of promulgation;

- (ii) the provisions to revise Article 27, the provisions for revision to add a paragraph following said Article, the provisions to revise Article 103, paragraph (1) and Article 119, item (vii), and the provisions for revision to add an item following Article 120, item (v), and Article 8 and Article 9 of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation;
- (iii) the provisions to revise Article 2, paragraph (1), item (xiv), and the provisions to revise Article 24-3, paragraph (1) and the proviso of Article 25, paragraph (1), and paragraph (5) of the following Article and the provisions of Article 5 of the Supplementary Provisions: April 1, 2014.

(Transitional Measures Concerning Notification of Wheeling Service Provisions)

- Article 2 (1) General Electricity Utilities that has obtained a license under Article 3, paragraph (1) of the Electricity Business Act prior to the revision by this Act (hereinafter referred to as the "Former Act" in this paragraph and Article 7 and Article 8 of the Supplementary Provisions) prior to the enforcement of this Act must, by January 6, 2014, formulate Wheeling Service provisions prescribed in Article 24-3, paragraph (1) of the Electricity Business Act revised by this Act (hereinafter referred to as the "New Act") to set rates and other supply conditions for Cross-Area Wheeling Service with respect to electricity relating to Intra-Area Wheeling Service listed in Article 2, paragraph (1), item (xiv) of the New Act (excluding Intra-Area Wheeling Service listed in Article 2, paragraph (1), item (xiv) of the Former Act; hereinafter the same applies in this paragraph) and rates and other supply conditions for Intra-Area Wheeling Service listed in Article 2, paragraph (1), item (xiv) of the New Act, and notify the Minister of Economy, Trade and Industry of the rates and conditions pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry. The same applies if the General Electric Utility intends to revise the provisions (limited, however, to cases where an order has been issued under Article 24-3, paragraph (3) of the New Act as applied mutatis mutandis pursuant to the following paragraph).
- (2) The provisions of Article 24-3, paragraph (3) of the New Act apply mutatis mutandis to Wheeling Service provisions for which notification was given pursuant to the preceding paragraph.
 - (3) General Electricity Utilities that have given notification pursuant to paragraph (1) must, pursuant to the provisions of Ordinance of the Ministry of Economy, Trade and Industry, publicize the Wheeling Service provisions for which notification was given pursuant to said paragraph.
 - (4) Wheeling Service provisions for which notification was given pursuant to paragraph (1) are to become effective on the date of enforcement of the

provisions listed in item (iii) of the preceding Article.

- (5) Wheeling Service provisions for which notification was given pursuant to paragraph (1) are deemed to be Wheeling Service provisions for which notification was given pursuant to Article 24-3, paragraph (1) of the New Act.

Article 3 (1) A person who has violated an order issued under Article 24-3, paragraph (3) of the New Act as applied *mutatis mutandis* pursuant to paragraph (2) of the preceding Article is punished by a fine of not more than three million yen.

- (2) A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

(i) a person who has failed to give notification under paragraph (1) of the preceding Article or given a false notification;

(ii) a person who has, in violation of paragraph (3) of the preceding Article, failed to publicize necessary particulars.

- (3) If the representative of a corporation or an agent, employee or other worker of a corporation or an individual has, with regard to the business of the corporation or individual, committed the violations prescribed in the preceding two paragraphs, not only is the offender punished but also the corporation or individual is punished by the fine prescribed in the respective paragraphs.

(Transitional Measures Concerning Notification of Wholesale Suppliers, etc.)

Article 4 (1) A person who provides a Wholesale Supply prior to the enforcement of this Act is not required, for three months from the date of enforcement of this Act (hereinafter referred to as the "Date of Enforcement"), to give notification of necessary particulars notwithstanding the provisions of Article 28-2, paragraph (1) of the New Act.

- (2) A person equipped with Electric Facilities for Private Use for electricity generation that are electrically connected directly, or indirectly through electric lines maintained and operated by any person other than a General Electric Utility, with electric lines maintained and operated by a General Electric Utility and satisfy the requirements specified by Ordinance of the Ministry of Economy, Trade and Industry under Article 28-3, paragraph (1) of the New Act prior to the enforcement of this Act is not required, for three months from the Date of Enforcement, to give notification of necessary particulars set forth in said paragraph notwithstanding the provisions of said paragraph.

(Transitional Measures Concerning the Organization Promoting Operations Covering an Extensive Area)

Article 5 (1) Persons who intend to become the founders or members of the

Promoting Organization (which means the organization promoting operations covering an extensive area prescribed in Article 28-4 of the New Act; hereinafter the same applies in this Article and Article 11, paragraph (2) and paragraph (5), item (iv) of the Supplementary Provisions) may, prior to the Date of Enforcement, conduct any necessary acts for the establishment of the Promoting Organization including the preparation of the articles of incorporation and holding of an organizational meeting, any necessary acts for the entry into the Promoting Organization, and any necessary acts for the operation of the business in the fiscal year which includes the date of establishment of the Promoting Organization, pursuant to the provisions of Part II, Chapter II, Section 3 of the New Act (excluding Article 28-14 and Article 28-15).

(2) The founders of the Promoting Organization may, prior to the Date of Enforcement, apply for approval for establishment of the Promoting Organization and obtain an approval from the Minister of Economy, Trade and Industry, pursuant to the provisions of Article 28-14 and Article 28-15 of the New Act. In such case, such approval is to become effective as of the Date of Enforcement.

Article 6 The provisions of Article 28-7, paragraph (2) of the New Act do not apply, for six months after the enforcement of this Act, to any person who uses the words "organization promoting operations covering an extensive area" in its name prior to the enforcement of this Act.

(Transitional Measures Concerning Confidentiality Obligations)

Article 7 With regard to the obligation of a person who was an officer or employee of an Organization to Support Electricity Transmission and Distribution, etc. that the person must not disclose to another person or misappropriate any confidential information learned during the course of duties as prescribed in Article 93, paragraph (1) of the Former Act which was applicable prior to the enforcement of this Act, the provisions then in force, after the enforcement of this Act, remain applicable.

(Effect of Dispositions, etc.)

Article 8 Any dispositions, procedures or other acts conducted pursuant to the provisions of the Former Act or any order issued thereunder are, if the New Act or any order issued thereunder contains provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the New Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 9 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (with regard to the provisions listed in Article 1, item (ii) and item (iii) of the Supplementary Provisions, such provisions; hereinafter the same applies in this Article) as well as any acts committed after the enforcement of this Act if the provisions in force at the time in question continue to apply pursuant to the provisions of the Supplementary Provisions of this Act, the provisions in force at the time in question continue to apply.

(Delegation to Cabinet Order)

Article 10 Beyond 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 (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Measures Pertaining to Fundamental Changes in Systems Concerning Electricity Business)

Article 11 (1) The government is to, for the purpose of the securement of stable supply of electricity, the maximum control of electricity retail prices and the expansion of opportunities of choices for electricity users as well as the expansion of business opportunities for Electricity Business, ensure the smooth enforcement of this Act and continue to implement fundamental changes in the system concerning Electricity Business in stages based on the following policies:

- (i) to implement the full liberalization of entry into the electricity retail business in 2016, and submit necessary bills at the ordinary session of the Diet to be held in 2014;
- (ii) to implement the measures to further strengthen the neutrality (which means, with respect to the Services for Electricity Transmission and Distribution, etc. (as defined below), not to apply unreasonable preferential treatment or give benefit, or apply unreasonable disadvantageous treatment or cause a disadvantage to any particular Electric Supplier; hereinafter the same applies in paragraph (3), item (i)) in the operation of services relating to the transformation, transmission, and distribution of electricity (hereinafter referred to as the "Services for Electricity Transmission and Distribution, etc." in this Article) (such measures are hereinafter referred to as "Measures to Ensure Neutrality" in the following paragraph and paragraph (3)) as well as the full liberalization of the electricity retail price during the period from 2018 to 2020, and aim to submit necessary bills at the ordinary session of the Diet to be held in 2015;

- (iii) in each stage of fundamental changes in the system concerning Electricity Business, to fully examine the challenges in implementing such changes, and implement such changes while taking necessary measures for mastering of such challenges based on the results of such examination.
- (2) Fundamental changes in the system concerning Electricity Business under the preceding paragraph are to be implemented on the premise of implementing the Measures to Ensure Neutrality by way of legal separation (which means measures prohibiting a person from conducting both of the Services for Electricity Transmission and Distribution, etc. and the electricity retail business, or from conducting both of the Services for Electricity Transmission and Distribution, etc. and the electricity wholesale business; hereinafter the same applies in this paragraph and the following paragraph); provided, however, that if new challenges that make it difficult to implement legal separation have been created during the course of consideration of implementation of legal separation, implementing Measures to Ensure Neutrality by way of functional dissociation is to be considered (which means the situation where the Promoting Organization bears a part of the function relating to the Services for Electricity Transmission and Distribution, etc.) when needed.
- (3) The government is to, when implementing Measures to Ensure Neutrality by way of legal separation, take the following measures. In such a case, measures listed in item (ii) are to be taken based on developments in the financial markets:
- (i) regulations concerning the concurrent holding of positions by officers of the person who conducts Services for Electricity Transmission and Distribution, etc. and any other regulatory measures required to be taken in conjunction with legal separation for the purpose of further strengthening neutrality in the operation of the Services for Electricity Transmission and Distribution, etc.;
- (ii) transitional measures to grant bondholders for corporations conducting Electricity Business the right to receive payment of their claims from the corporation's property in preference to other creditors, transitional measures concerning regulatory measures under the preceding item, and any other measures designed not to hinder the procurement of funds required for the securement of the stable supply of electricity;
- (iii) measures required for the securement of stable supply of electricity to be made by persons who conduct the Services for Electricity Transmission and Distribution, etc. and persons who conduct the electricity wholesale business in mutual cooperation.
- (4) If full liberalization of the electricity retail price during the period from 2018 to 2020 is implemented, the timing of said implementation is to be reviewed

only if it appears that if it is implemented during such period it would harm the interest of electricity users due to absence of the securement of fair competition among persons who conduct electricity retail business, or any other reason.

(5) The government is to, upon submitting bills prescribed in paragraph (1), items (i) and (ii) to the Diet, review the following measures, and take necessary measures based on the review results:

- (i) measures to have persons who conduct the Services for Electricity Transmission and Distribution, etc. do the following:
 - (a) to guarantee supply of electricity from persons who conduct electricity retail business to those who cannot receive supply of electricity;
 - (b) to conduct Services for Electricity Transmission and Distribution, etc. in an integrated way in the area where they provide Services for Electricity Transmission and Distribution, etc., and maintain the voltage value and frequency value of the electricity supplied by them at a certain level;
- (ii) measures to enable persons who conduct Services for Electricity Transmission and Distribution, etc. to recover the costs of installation of Electric Facilities for transmission of electricity and any other costs of Services for Electricity Transmission and Distribution, etc. in an appropriate manner;
- (iii) measures to have persons who conduct electricity retail business ensure supply capabilities required for the securement of a stable supply of electricity in said business;
- (iv) measures to have the Promoting Organization provide services for promoting installation of Electric Facilities for the generation of electricity;
- (v) the full liberalization of entry into the electricity wholesale business and full liberalization of electricity wholesale prices;
- (vi) measures to improve and strengthen information provision relating to fundamental changes in the system concerning Electricity Business, measures to promote the introduction of smart meters (which mean electricity meters that have the function of contributing to efficient business operations of persons who conduct electricity retail business, and the establishment of various rates and other supply conditions relating to electricity retail as well as the reduction of electricity use), measures to increase electricity trade volume at electric power exchanges (which mean persons who have established a market necessary for the wholesale trading of electricity), and measures to secure development of the system relating to electricity futures trading and otherwise secure fair competition among persons who conduct electricity retail business or persons who conduct electricity wholesale business;
- (vii) measures to improve, if competitive conditions for any particular person

who conducts electricity retail business or any particular person who conducts electricity wholesale business have significantly worsened or it is obvious that such conditions will significantly worsen along with changes in energy policy including nuclear energy policy and any other significant changes in conditions relating to energy, competitive conditions for said person who conducts electricity retail business or electricity wholesale business;

(viii) measures to enable electricity users in isolated islands to receive the supply of electricity at the same price level as that in areas other than isolated islands and measures to secure the stable supply of electricity in isolated islands;

(ix) in addition to what is listed in the preceding items, measures based on the special characteristics of Electricity Business in Okinawa.

(6) The government is to further strengthen supervisory functionality with regard to Electricity Business, as well as review a desirable structure for administrative organizations in charge of regulations of Electricity Business in order to take all possible measures to ensure the stable supply of electricity, and transfer such organizations into new administrative organizations with independence and a high level of expertise in 2015.