

Act on Promoting the Generation of Electricity from Renewable Energy Sources Harmonized with Sound Development of Agriculture, Forestry and Fisheries

(Act No. 81 of November 25, 2013)

(Purpose)

Article 1 The purpose of this Act is to contribute to rejuvenating rural areas and diversifying energy resources, in consideration of the plentiful resources that exist in rural areas, such as land, water, biomass, and other types of resources that can be utilized for generating electricity from renewable energy sources, by taking measures to promote the generation of electricity from renewable energy sources harmonized with the sound development of agriculture, forestry, and fisheries in rural areas.

(Basic Principles)

Article 2 (1) The promotion of the generation of electricity from renewable energy sources in rural areas must be carried out so as to improve the vitality of the areas and achieve sustainable development under close mutual cooperation with municipalities, businesses engaged in electricity from renewable energy sources, agricultural, forestry and fisheries workers and groups organized by them, and other concerned people in the community.

(2) In consideration of the importance of the food supply, national land conservation, and other functions of agriculture, forestry, and fisheries, the promotion of the generation of electricity from renewable energy sources in rural areas must be properly coordinated with the utilization of agricultural and forestry land, fishing ports, and surrounding water areas for agriculture, forestry, and fisheries and such utilization for the generation of electricity from renewable energy sources in order to secure agricultural and forestry land, fishing ports, and their surrounding waters necessary for the sound development of local agriculture, forestry, and fisheries.

(Definitions)

Article 3 (1) The term "renewable energy electricity" as used in this Act means the electricity obtained by converting the following energy sources (referred to as "renewable energy sources" in the following paragraph) using renewable energy power generation facilities.

- (i) sunlight;
- (ii) wind power;
- (iii) hydraulic power;

- (iv) geothermal power;
 - (v) biomass (meaning organic substances derived from animals and plants that can be used as a source of energy (excluding crude oil, petroleum gas, combustible natural gas, coal, and products manufactured therefrom)); and
 - (vi) beyond what is listed in the preceding items, energy sources specified by Order of the competent ministry as being recognized as perpetually usable as energy sources for electricity, other than crude oil, petroleum gas, combustible natural gas, coal, and products manufactured therefrom.
- (2) The term "renewable energy power generation facility" as used in this Act means facilities that convert renewable energy sources into electricity, and their auxiliary facilities.
- (3) The term "agricultural and forestry land, etc." as used in this Act means the following land:
- (i) cropland (meaning land used for cultivation (including the cultivation of crops deemed to be falling under cultivation pursuant to the provisions of Article 43, paragraph (1) of the Cropland Act (Act No. 229 of 1952); the same applies hereinafter in this item and the following item); the same applies hereinafter; the same applies hereinafter) or pasture land (meaning land other than cropland that is used mainly for the purpose of harvesting fodder as part of the business of cultivating land or putting livestock out to pasture as part of the business of raising livestock; the same applies hereinafter) and land suitable for development as cropland or pasture land (hereinafter referred to as "agricultural land");
 - (ii) land used to grow trees and bamboo as well as to harvest fodder as part of the business of cultivating land or put livestock out to pasture as part of the business of raising livestock (excluding agricultural land and the forest land provided in the following item);
 - (iii) land used for collective growing of trees and bamboo (excluding land that is used mainly as agricultural land, or as housing land or equivalent land; referred to as "forest land" in this item and the following paragraph) and land suitable for forest land;
 - (iv) land used for a renewable energy power generation facility or for the facilities provided by Order of the Ministry of Agriculture, Forestry and Fisheries that contribute to the sound development of agriculture, forestry, and fisheries (hereinafter referred to as an "facility related to agriculture, forestry, and fisheries") and developed land suitable for a renewable energy power generation facility or a facility related to agriculture, forestry, and fisheries in a rural area (excluding the land listed in the preceding three items); and
 - (v) beyond the land listed in the preceding items, land suitable for integrated use with those types of land.

(4) The term "agricultural and forestry land" as used in this Act means agricultural land and forest land, and the term "fishing port" means a fishing port provided in Article 2 of the Act on Development of Fishing Ports and Grounds (Act No. 137 of 1950).

(Basic Policy)

Article 4 (1) The competent minister is to provide a basic policy for the rejuvenation of rural areas by promoting the generation of electricity from renewable energy sources harmonized with the sound development of agriculture, forestry, and fisheries (hereinafter referred to as the "basic policy").

(2) The basic policy is to establish the following matters:

(i) matters concerning the meaning and goal of the rejuvenation of rural areas by promoting the generation of electricity from renewable energy sources harmonized with the sound development of agriculture, forestry, and fisheries;

(ii) basic matters concerning measures for promoting the generation of electricity from renewable energy sources harmonized with the sound development of agriculture, forestry, and fisheries in rural areas;

(iii) basic matters concerning the coordination of utilizing agricultural and forestry land and fishing ports and surrounding water areas for agriculture, forestry, and fisheries and such utilization for the generation of electricity from renewable energy sources;

(iv) basic matters concerning the ensuring of efficient and comprehensive utilization of agricultural and forestry land for agriculture and forestry business as well as the promotion of other initiatives that contribute to the sound development of agriculture, forestry, and fisheries in conjunction with the construction of a renewable energy power generation facility;

(v) beyond what is listed in the preceding items, basic matters concerning the preparation of the basic plan provided in paragraph (1) of the following Article; and

(vi) important matters that should be taken into consideration in harmonization with nature conservation as well as in promotion of the generation of electricity from renewable energy sources in rural areas.

(3) The basic policy must be harmonized with the national plans concerning measures to prevent global warming.

(4) When intending to establish the basic policy, the competent minister must consult with the heads of relevant administrative organs.

(5) Upon establishing the basic policy, the competent minister must give public notice of that fact without delay.

(6) The provisions of the preceding three paragraphs apply mutatis mutandis to any changes to the basic policy.

(Basic Plan)

Article 5 (1) A municipality may prepare a basic plan, based on the basic policy, concerning the revitalization of rural areas by promoting the generation of electricity from renewable energy sources harmonized with the sound development of agriculture, forestry, and fisheries in its areas (hereinafter referred to as a "basic plan").

(2) The following matters are to be set forth in a basic plan:

- (i) policy concerning the revitalization of rural areas by promoting the generation of electricity from renewable energy sources harmonized with the sound development of agriculture, forestry, and fisheries;
- (ii) the area where the construction of a renewable energy power generation facility is promoted;
- (iii) the type and size of the renewable energy power generation facility that is to be constructed in the area listed in the preceding item;
- (iv) if providing an area for ensuring efficient and comprehensive utilization of agricultural and forestry land for agriculture and forestry business in conjunction with the construction of a renewable energy power generation facility, the area and matters concerning ensuring efficient and comprehensive utilization of agricultural and forestry land for agriculture and forestry business in the area; and
- (v) beyond what is listed in the preceding items, matters concerning initiatives that contribute to the sound development of agriculture, forestry, and fisheries in conjunction with the construction of a renewable energy power generation facility.

(3) In a basic plan, beyond what is listed in the respective items of the preceding paragraph, the municipality is to strive to provide matters that should be taken into consideration in harmonization with nature conservation and promotion of the generation of electricity from renewable energy sources in rural areas, as well as matters provided for by orders of the competent ministry.

(4) In a basic plan, beyond what is listed in the items of paragraph (2) and in the preceding paragraph, the following matters may be provided in regard to an agricultural and forestry land ownership transfer promotion program carried out by the municipality that prepares the basic plan meaning a program that promotes the transfer of the ownership, and establishment and transfer of a right through superficies, right of lease, or loan for use (referred to as an "ownership transfer, etc." in Article 16) of agricultural and forestry land, etc. used to smooth the construction of a renewable energy power generation facility or an facility related to agriculture, forestry, or fisheries, as well as to ensure efficient and comprehensive utilization of agriculture and forestry land

for agricultural and forestry business in the area around the land used for the facility; the same applies in item (i) and paragraph (1) of the same Article.

- (i) a basic policy concerning the implementation of the agricultural and forestry land ownership transfer promotion program;
 - (ii) standards for calculating the compensation for transferred ownership and the payment method thereof;
 - (iii) standards concerning the duration or remaining period of the superficies or right of lease and the right through a loan for use in regard to an established or transferred right and standards for calculating the land rent or rental fees if the established or transferred right falls under superficies or right of lease and the payment method thereof; and
 - (iv) other matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (5) The area listed in paragraph (2), item (ii) is to be provided in accordance with standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries as those that are unlikely to interfere with securing agricultural and forestry land, fishing ports, and surrounding water areas that are necessary for the sound development of agriculture, forestry, and fisheries in the area.
- (6) A person who intends to construct a renewable energy power generation facility may propose that a basic plan be prepared to the municipality that has jurisdiction over the area in which the facility is to be constructed.
- (7) If the municipality in the preceding paragraph determines that it is not necessary to prepare a basic plan that is based on the proposal specified in the same paragraph must strive to notify the person who provided the proposal of the determination and reasons therefor.
- (8) When a municipality intends to prepare a basic plan and organizes a council provided in paragraph (1) of the following Article for the creation of a basic plan, it must have a deliberation at the council about the matters specified in the basic plan.
- (9) A basic plan must be harmonized with plans concerning regional development pursuant to the provisions of agricultural promotion area development plans and other laws and regulations, plans concerning forest development pursuant to the provisions of regional forestry plans and other laws and regulations, and urban planning and basic policies concerning municipal urban planning provided in Article 18-2, paragraph (1) of the City Planning Act (Act No. 100 of 1968).
- (10) When preparing a basic plan, a municipality (limited to a designated city, etc. provided in Article 21, paragraph (3) of the Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998)) must strive to ensure consistency with the action plans of local governments provided in paragraph (1) of the same Article.

- (11) When a municipality prepares a basic plan, it must strive to give public notice of the plan without delay.
- (12) The provisions of paragraph (5) through the preceding paragraph apply mutatis mutandis to a change to a basic plan.

(Council)

Article 6 (1) A municipality that intends to prepare a basic plan may organize a council for consultation about matters necessary for the preparation and implementation of the basic plan (referred to as the "council" in this Article).

- (2) The council is composed of the following parties:
 - (i) the municipality that intends to prepare the basic plan;
 - (ii) the person who intends to construct a renewable energy power generation facility within the area of the municipality; and
 - (iii) relevant businesses of agriculture, forestry, and fisheries within the area of the municipality and groups organized by them, the residents concerned, persons with relevant knowledge and expertise, and others who are deemed necessary by the municipality.
- (3) The members of the council must respect the outcomes of agreements reached at the council.
- (4) Beyond what is provided in the preceding three paragraphs, matters necessary for governing the council are provided by the council.

(Approval for a Facility Construction Plan)

Article 7 (1) A person who intends to construct a renewable energy power generation facility may prepare a plan concerning the construction work (hereinafter referred to as a "facility construction plan") pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries and Order of the Ministry of the Environment, and apply for approval from the municipality that prepared the relevant basic plan (hereinafter referred to as a "plan-creating municipality").

- (2) The following matters must be stated in the facility construction plan:
 - (i) the type and size of the renewable energy power generation facility that is intended to be constructed, other details on the construction of the renewable energy power generation facility, and the period of the construction work;
 - (ii) the ensuring of efficient and comprehensive utilization of agricultural and forestry land for agriculture and forestry business in conjunction with the construction of the renewable energy power generation facility specified in the preceding item; the construction of facilities related to agriculture, forestry, and fisheries; the facilitation of improvement in the operation of agricultural, forestry, and fisheries by businesses; the promotion of effective utilization of by-products generated from the production or processing of

- agricultural, forestry, or fisheries products; and the details of other initiatives for the sound development of agriculture, forestry, and fisheries;
- (iii) the location, parcel number, land category, and area, or the extent of the water area used for the renewable energy power generation facility specified in item (i) or a facility related to agriculture, forestry, and fisheries in the preceding item;
 - (iv) the amount of funds necessary to carry out the construction work specified in item (i) and the initiatives in item (ii) and the procurement method therefor; and
 - (v) other matters provided by Order of the Ministry of Agriculture, Forestry and Fisheries and Order of the Ministry of the Environment.
- (3) When an application pursuant to the provisions of paragraph (1) is filed and the facility construction plan to which the application pertains is deemed to fall under the following requirements, the plan-creating municipality is to give approval:
- (i) the contents of the facility construction plan conform to the basic plan, and it is certain that the applicant will carry out the facility construction plan;
 - (ii) if acts for the development of renewable energy power generation facilities, etc. stated in the facilities development plan (meaning renewable energy generation facilities referred to in the preceding paragraph, item (i) and agricultural, forestry, and fisheries facilities referred to in the same paragraph, item (ii); the same applies hereinafter) are performed in a water area within an area of a fishing port managed by the plan-creating municipality or a public open space and need the permission under Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds, the matters pertaining to the development of the renewable energy power generation facilities, etc. must fall under the cases that require this permission pursuant to the provisions of the same article, paragraph (2);
 - (iii) if acts concerning the construction of a renewable energy power generation facility, etc. specified in the facility construction plan are carried out in a coastal preservation zone controlled by the plan-creating municipality (meaning a coastal preservation zone designated pursuant to Article 3 of the Coast Act (Act No. 101 of 1956) and limited to those provided in Article 40, paragraph (1), items (ii) and (iii) of the same Act; the same applies in item (vi) of the following paragraph and in Article 13) and approval for the acts must be obtained pursuant to Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act, the fact that matters concerning the construction of the renewable energy power generation facility, etc. do not fall under the case when the approval must not be given pursuant to Article 7, paragraph (2) of the same Act (including when applied *mutatis mutandis* pursuant to Article 8, paragraph (2) of the same Act).

(4) When a plan-creating municipality intends to give the approval set forth in the preceding paragraph, if the acts for the development of the renewable energy power generation facilities stated in the facilities development plan for which the application is filed fall under any of the following acts set forth in the following items, the facilities development plan must be subject to prior deliberation by the persons specified in the respective items, and if the acts for the development of the renewable energy power generation facilities fall under any of the acts set forth in items (i) and (iii) through (ix), the approval of these persons must be obtained:

- (i) acts of obtaining the ownership or the right of use and profit of the agricultural land for the purpose of converting cropland into a non-cropland or the agricultural land a non-agricultural land, and that require the permission under Article 4, paragraph (1) or Article 5, paragraph (1) of the Cropland Act - Prefectural governor;
- (ii) acts performed in a grassland (meaning grassland defined in Article 2, paragraph (3) of the Act on the Promotion of Dairy and Meat Cattle Production (Act No. 182 of 1954); the same applies to Article 10) within an area of an intensive dairy farming area (meaning the intensive dairy farming area as specified by Article 3, paragraph (1) of the same Act; the same applies to Article 10), and that require a notification under Article 9 of the same Act - Prefectural governor;
- (iii) acts performed in a privately-owned forest set forth in Article 5, paragraph (1) of the Forest Act (Act No. 249 of 1951) and is subject to a regional forest plan formulated pursuant to the same paragraph (excluding conservation or prevention forests (meaning conservation or prevention forests specified pursuant to Article 25 or Article 25-3 of the same Act; the same applies hereinafter), and forests within an area of a conservation facilities region specified pursuant to Article 41 of the same Act and within a coastal protection zone specified pursuant to Article 3 of the Coast Act (meaning forests referred to in Article 2, paragraph (1) of the Forest Act); referred to as "applicable privately-owned forest" in Article 11, paragraph (1)), and that require the permission under Article 10-2, paragraph (1) of the Forest Act - Prefectural governor;
- (iv) acts performed in a conservation or prevention forest and that require the permission under Article 34, paragraph (1) or (2) of the Forest Act - Prefectural governor;
- (v) acts performed in a water area or a public open space within an area of a fishing port managed by a prefecture and that require permission under Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds - Prefectural governor;
- (vi) acts performed within a coastal protection zone (excluding those managed

- by the plan-creating municipality) and that require the permission under Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act - Coastal administrator meaning the coastal administrator specified by the same Act, Article 2, paragraph (3); the same applies to paragraph (8);
- (vii) acts performed within an area of a national park (meaning national parks specified by Article 2, paragraph (2) of the Natural Parks Act (Act No. 161 of 1957); the same applies to Article 14) and that require the permission under Article 20, paragraph (3) of the same Act or a notification under Article 33, paragraph (1) of the same Act - Minister of the Environment;
- (viii) acts performed within an area of a quasi-national park (meaning quasi-national parks specified by Article 2, item (iii) of the Natural Parks Act; the same applies to Article 14) and that require the permission under Article 20, paragraph (3) of the same Act or a notification under Article 33, paragraph (1) of the same Act - Prefectural governor; and
- (ix) acts that require the permission under Article 3, paragraph (1) or Article 11, paragraph (1) of the Hot Springs Act (Act No. 125 of 1948) - Prefectural governor.
- (5) When there is a deliberation on a facilities development plan concerning acts set forth in the preceding paragraph, item (i), if the relevant prefectural governor finds that the acts for the development of the renewable energy power generation facilities concerned with the deliberation meet the following requirements, the prefectural governor gives the approval specified in the same paragraph:
- (i) when a cropland is to be converted into a non-cropland, it does not fall under a case when the permission under the same article, paragraph (1) may not be given pursuant to the provisions of Article 4, paragraph (6) of the Cropland Act;
- (ii) when obtaining ownership or a right of use and profit if an agricultural land for making that agricultural land into a non-agricultural land, it does not fall under a case when the permission under Article 5, paragraph (1) of the Cropland Act may not be given pursuant to the provisions of the same article, paragraph (2).
- (6) When there is a deliberation on a facilities development plan concerned with acts set forth in paragraph (4), item (vii) or (viii) (limited to those concerning the permission under Article 20, paragraph (3) of the Natural Parks Act), if the Minister of the Environment or the relevant prefectural governor deems that the acts for the development of renewable energy power generation facilities concerned with the deliberation do not fall under cases where permission under the same article, paragraph (3) must not be given pursuant to the provisions of the same article, paragraph (4), the Minister or the prefectural governor gives the approval under paragraph (4).

- (7) When there is a deliberation on a facilities development plan concerned with acts set forth in the following items, if the prefectural governor deems that the acts for the development of renewable energy power generation facilities concerned with the deliberation meet the requirements specified in the items, the prefectural governor gives the approval under paragraph (4):
- (i) acts set forth in paragraph (4), item (iii) must fall under cases that require permission under Article 10-2, paragraph (1) of the Forest Act pursuant to the provisions of the same article, paragraph (2);
 - (ii) acts set forth in paragraph (4), item (iv) must fall under cases that require permission under Article 34, paragraph (1) of the Forest Act pursuant to the provisions of the same article, paragraph (3) or (4), or cases that require approval under the same article, paragraph (2) pursuant to the provisions of the same article, paragraph (5);
 - (iii) acts set forth in paragraph (4), item (v) must fall under cases that require permission under Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds pursuant to the provisions of the same article, paragraph (2);
 - (iv) acts set forth in paragraph (4), item (ix) must fall under cases that require permission under Article 3, paragraph (1) or Article 11, paragraph (1) of the Hot Springs Act pursuant to the provisions of Article 4, paragraph (1) (including cases where it is applied *mutatis mutandis* pursuant to Article 11, paragraph (2) or (3) of the same Act by replacing certain terms).
- (8) When there is a deliberation on a facilities development plan concerned with acts set forth in paragraph (4), item (vi), if the coastal administrator deems that the acts for the development of renewable energy power generation facilities, etc. concerned with the deliberation fall under a case where permission under Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act must not be given pursuant to Article 7, paragraph (2) of the same Act (including cases where it is applied *mutatis mutandis* pursuant to Article 8, paragraph (2) of the same Act), the coastal administrator must give the approval under paragraph (4).
- (9) When there is a deliberation on a facilities development plan concerned with acts set forth in the following items, if the prefectural governor intends to give approval under paragraph (4), the prefectural governor must consult with the persons specified in the respective items:
- (i) acts set forth in paragraph (4), item (i) (limited to cases where the land concerned with the acts include cropland of over four hectares) - Minister of Agriculture, Forestry and Fisheries;
 - (ii) acts set forth in paragraph (4), item (ix) (limited to cases where there is a risk of affecting the yield of hot spring water, temperature, or mineral content of a hot spring (meaning a hot spring as prescribed in Article 2,

- paragraph (1) of the Hot Springs Act) in neighboring prefectures) - Minister of the Environment.
- (10) When a consultation is held pursuant to the provisions of item (ii) of the preceding paragraph, the Minister of the Environment must hear opinions from the stakeholders of relevant prefectures.
- (11) When there is a deliberation on a facilities development plan concerned with acts set forth in the following items, if the prefectural governor intends to give approval under paragraph (4), the prefectural governor must hear the opinions specified by the respective items:
- (i) acts set forth in paragraph (4), item (i) - agricultural committee (for municipalities with no agricultural committee pursuant to Article 3, paragraph (1) proviso or Article 5 of the Act on Agricultural Committees (Act No. 88 of 1951), the mayor of municipality; the same applies to the following paragraph and paragraph (13));
 - (ii) acts set forth in paragraph (4), item (iii) - Prefectural forest council;
 - (iii) acts set forth in paragraph (4), item (ix) - Council or other council system established pursuant to Article 51 of the Natural Environment Conservation Act (Act No. 85 of 1972).
- (12) When an agricultural committee is to give its opinions pursuant to the preceding paragraph (limited to the part relevant to item (i); the same applies to this paragraph hereinafter and the following paragraph) (limited to cases where the acts set forth in the same item concerned with the deliberation under the preceding paragraph concern land including cropland of over thirty ares), the agricultural committee must hear the opinions of the prefectural institution specified by Article 43, paragraph (1) of the Act on Agricultural Committees (referred to as "prefectural institution" in the following paragraph) in advance. Provided, however, that this does not apply to cases where the prefectural governor has not given the designation under Article 42, paragraph (1) of the same Act.
- (13) In addition to what is provided for in the preceding paragraph, if an agricultural committee deems it necessary for giving opinions pursuant to Article 11, the agricultural committee may hear the opinions of the prefectural institution.
- (14) If the plan-creating municipality is a designated municipality set forth in Article 4, paragraph (4) of the Cropland Act (referred to as "designated municipality" in the following paragraph and Article 24), for the application of the provisions of paragraphs (3) and (4), the term "requirements" in paragraph (3) is replaced with "requirements and the requirements set forth in the items of paragraph (5)"; the terms "the following items" and "the respective items" in paragraph (4) is replaced with "items (ii) through (ix)"; and the term "items (i) and (iii)" in the same paragraph is replaced with "items (iii)."

(15) The provisions of paragraph (ix) and Article 11 apply mutatis mutandis when a plan-creating municipality that is a designated municipality is to give approval under paragraph (3) for a facilities development plan (limited to the part related to acts set forth in paragraph (4), item (i)). In this case, the term "the following items" in paragraphs (9) and (11) is deemed to be replaced with "item (i)" and the term "the respective items" is deemed to be replaced with "the same item."

(Changes to a Facility Construction Plan)

Article 8 (1) If a person who is approved under paragraph (3) of the preceding Article (hereinafter referred to as "approved facility constructor") intends to change the facility construction plan concerning the approval, the approved facility constructor must obtain approval by the plan-creating municipality pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries and Order of the Ministry of the Environment; provided, however, that this does not apply to minor changes provided by Order of the Ministry of Agriculture, Forestry and Fisheries and Order of the Ministry of the Environment. provided, however, that this does not apply to minor changes provided by Order of the Ministry of Agriculture, Forestry and Fisheries and Order of the Ministry of the Environment.

(2) An approved facility constructor who makes a minor change provided by Order of the Ministry of Agriculture, Forestry and Fisheries and Order of the Ministry of the Environment specified in the proviso to the preceding paragraph must notify the plan-creating municipality of the change without delay.

(3) A plan-creating municipality may revoke approval for the construction of a renewable energy power generation facility, etc. if it is found that the approved facility constructor is not complying with the facility construction plan concerning the approval under paragraph (3) of the preceding Article (if a change is approved pursuant to the provisions of paragraph (1) or a notification of change is made under the preceding paragraph, the changed facility construction plan; hereinafter referred to as an "approved facility construction plan").

(4) The provisions of paragraphs (3) through (15) of the preceding Article apply mutatis mutandis to approval of changes pursuant to the provisions of paragraph (1).

(Special Provisions for the Cropland Act)

Article 9 (1) If an approved facility constructor changes cropland to non-cropland for the purpose of constructing a renewable energy power generation facility, etc. in accordance with an approved facility construction plan, it is deemed that

approval under Article 4, paragraph (1) of the Cropland Act has been given.

(2) If an approved facility constructor obtains the ownership of or right to use or make profits in regard to cropland in order to change the cropland to non-cropland for the purpose of constructing a renewable energy power generation facility, etc. in accordance with an approved facility construction plan, it is deemed that approval under Article 5, paragraph (1) of the Cropland Act has been given.

(Special Provisions for the Act on the Promotion of Dairy and Meat Cattle Production)

Article 10 The provisions of Article 9 of the Act on the Promotion of Dairy and Meat Cattle Production do not apply to acts that are carried out by an approved facility constructor to construct a renewable energy power generation facility, etc. on grassland within the area of an intensive dairy farming area in accordance with an approved facility construction plan.

(Special Provisions for the Forest Act)

Article 11 (1) If an approved facility constructor carries out acts for which approval under Article 10-2, paragraph (1) of the Forest Act must be obtained to construct a renewable energy power generation facility, etc. in an applicable privately-owned forest in accordance with an approved facility construction plan, it is deemed that the approval has been given.

(2) If an approved facility constructor carries out acts for which approval under Article 34, paragraphs (1) or (2) of the Forest Act must be obtained to construct a renewable energy power generation facility, etc. in a conservation or prevention forest in accordance with an approved facility construction plan, it is deemed that the approval has been given.

(Special Provisions for the Act on Development of Fishing Ports and Grounds)

Article 12 If an approved facility constructor carries out acts for which approval under Article 39, paragraph (1) of the Act on Development of Fishing Ports and Grounds must be obtained to construct a renewable energy power generation facility, etc. in a water area within the area of a fishing port or in a public-owned open space in accordance with an approved facility construction plan, it is deemed that the approval has been given.

(Special Provisions for the Coast Act)

Article 13 If an approved facility constructor carries out acts for which approval under Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act must be obtained to construct a renewable energy power generation facility, etc. within the area of a coastal preservation zone in accordance with an approved

facility construction plan, it is deemed that the approval has been given.

(Special Provisions for the Natural Parks Act)

Article 14 (1) If an approved facility constructor carries out acts for which approval under Article 20, paragraph (3) of the Natural Parks Act must be obtained to construct a renewable energy power generation facility, etc. within the area of a national park or a quasi-national park in accordance with an approved facility construction plan, it is deemed that the approval has been given.

(2) The provisions of Article 33, paragraphs (1) and (2) of the Natural Parks Act do not apply to acts that are carried out by an approved facility constructor to construct a renewable energy power generation facility, etc. within the area of a national park or a quasi-national park in accordance with an approved facility construction plan.

(Special Provisions for the Hot Springs Act)

Article 15 If an approved facility constructor carries out acts for which approval under Article 3, paragraph (1) or Article 11, paragraph (1) of the Hot Springs Act must be obtained to construct a renewable energy power generation facility, etc. in accordance with an approved facility construction plan, it is deemed that the approval has been given.

(Preparation of Ownership Transfer Promotion Plan)

Article 16 (1) If an approved facility constructor requests an ownership transfer, etc. in regard to agricultural or forestry land, etc. in accordance with an approved facility construction plan or intends to carry out an agricultural and forestry land ownership transfer promotion program, the plan-creating municipality (limited to a municipality that has prepared a basic plan describing the matters listed in the items of Article 5, paragraph (4); the same applies in the following Article) is to establish an ownership transfer promotion plan following a decision of the Agriculture Commission pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(2) The following matters are to be specified in an ownership transfer promotion plan:

- (i) name and address of the person who is to receive an ownership transfer, etc.;
- (ii) location, parcel number, land category, and area of the land whose ownership is to be transferred to the person specified in the preceding item;
- (iii) name and address of the person who is to transfer the ownership of the land specified in the preceding item to the person specified in item (i);
- (iv) the purpose of utilization of the land after the transfer of the ownership

- that is to be transferred to the person specified in item (i) is completed, and the time when the ownership transfer is completed, etc., as well as compensation for the transfer and the payment method thereof;
- (v) the type and description of the superficies, right of lease, or right from loan for use of which the person specified by item (i) is to receive establishment or transfer (including the purpose of use of the land), the time of commencement or transfer, the duration and remaining period, and if the right to be established or transferred is superficies or right of lease, the land rent or lease and the method of payment thereof;
 - (vi) other matters specified by Order of the Ministry of Agriculture, Forestry and Fisheries.
- (3) An ownership transfer promotion plan must fall under the following requirements:
- (i) the contents of the ownership transfer promotion plan conform to the basic plan;
 - (ii) for each piece of land specified in item (ii) of the preceding paragraph, all necessary consents have been obtained from the person specified in item (i) of the same paragraph and from those who possess the ownership, superficies, farming right, pledge, right of lease, right through a loan for use, or right intended for other utilizations and profits in regard to the land;
 - (iii) the purpose of utilization of the land specified in item (iv) or (v) of the preceding paragraph is found to conform to the agricultural promotion area development plan, urban planning and other plans concerning land use pertaining to the land, and it is found appropriate to use the land for the purpose of utilization in consideration of the location and size of the land and the situation of surrounding land use;
 - (iv) the contents of the ownership transfer promotion plan have been specified so as to contribute to ensuring efficient and comprehensive utilization of agricultural and forestry land for agriculture and forestry business in the area around the land that is used for a renewable energy power generation facility, etc. specified in an approved facility construction plan; and
 - (v) each piece of land specified in item (ii) of the preceding paragraph falls under the following requirements:
 - (a) if the land in question is agricultural land and the purpose of land utilization specified in items (iv) or (v) of the preceding paragraph at it relates to the land is to be used as agricultural land, the land does not fall under the case in which approval under Article 3, paragraph (1) of the Cropland Act pursuant to paragraph (2) of the same Article may not be given;
 - (b) if the land is agricultural land and the ownership transfer, etc. concerning the land falls under the case specified in the main clause of

Article 5, paragraph (1) of the Cropland Act, the purpose of land utilization specified in item (iv) or (v) of the preceding paragraph concerning the land is used for a renewable energy power generation facility, etc. specified in an approved facility construction plan; and

(c) if the land is land other than agricultural land, after the ownership transfer, etc. is completed, the person specified in item (i) of the preceding paragraph will be able to use the land appropriately and reliably in line with the purpose of land utilization specified in item (iv) or (v) of the same paragraph.

(Public Notice of Ownership Transfer Promotion Plan)

Article 17 When a plan-creating municipality provides an ownership transfer promotion plan, it must give notice of that fact without delay pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries.

(Effect of Public Notice)

Article 18 When a public notice is given pursuant to the provisions of the preceding Article, the ownership is transferred, or superficies, a right of lease, or a right through a loan for use is established or transferred pursuant to the ownership transfer promotion plan.

(Special Provisions for Registration)

Article 19 Special provisions of the Real Property Registration Act (Act No. 123 of 2004) may be specified by Cabinet Order in regard to the registration of land concerning an ownership transfer promotion plan that is subject to public notice pursuant to the provisions of Article 17.

(Assistance)

Article 20 The national and prefectural governments are to strive to provide municipalities with information, advice, and assistance necessary to create a basic plan and implement it smoothly and reliably.

(Guidance and Advice)

Article 21 A plan-creating municipality is to provide an approved facility constructor with guidance and advice necessary for appropriate implementation of the construction work specified in Article 7, paragraph (2), item (i) and the initiatives specified in item (ii) of the same paragraph that are performed in accordance with an approved facility construction plan.

(Competent Ministers)

Article 22 (1) The competent ministers referred to in Article 4, paragraphs (1),

(4), and (5) are, of basic plans, for the part related to matters set forth in the same article, paragraph (2), item (ii), the Minister of Agriculture, Forestry and Fisheries and the Minister of Economy, Trade and Industry; for the part related to matters set forth in the same paragraph, items (v) and (vi), the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment; and for other parts, the Minister of Agriculture, Forestry and Fisheries.

(2) The competent ministerial orders for this Act are the orders issued by the Minister of Agriculture, Forestry and Fisheries, the Minister of Economy, Trade and Industry, and the Minister of the Environment.

(Delegation of Authority)

Article 23 The authority of the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment prescribed in this Act may be respectively delegated to the Director-General of a regional agricultural administration bureau pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and Fisheries for the authority of the Minister of Agriculture, Forestry and Fisheries, and to the Director-General of a regional environmental office pursuant to the provisions of Order of the Ministry of the Environment for the authority of the Minister of the Environment.

(Classification of Administrative Tasks)

Article 24 Among the tasks to be handled by a prefecture or a designated municipality pursuant to the provisions of this Act, the following tasks are statutory entrusted functions of item (i) prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947):

(i) tasks to be handled by prefectures pursuant to the provisions of Article 7, paragraph (4), item (i) and paragraph (11), item (i) (including cases where these provisions are applied *mutatis mutandis* pursuant to Article 8, paragraph (4)) (limited to those pertaining to facility construction plan that involves an act of converting cropland of over four hectares into non-cropland for use for the same business purpose or acts of acquiring the rights set forth in the main clause of Article 3, paragraph (1) of the Cropland Act for cropland of over four hectares, or meadow/pastureland in combination with the cropland, for use for the same business purpose);

(ii) tasks to be handled by prefectures pursuant to the provision of Article 7, paragraph (4), item (iv) (including cases where these provisions are applied *mutatis mutandis* pursuant to Article 8, paragraph (4)) (for privately-owned forests (meaning privately-owned forests set forth in Article 2, paragraph (3) of the Forest Act), limited to those pertaining to facility construction plan that involves an act conducted in conservation or prevention forests

- pertaining to the designation for achieving the purposes set forth in Article 25, paragraph (1), items (i) through (iii) of the same Act);
- (iii) tasks to be handled by prefectures pursuant to the provisions of Article 7, paragraph 9, item (i) (including cases where these provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4));
- (iv) tasks to be handled by designated municipalities pursuant to the provisions of Article 7, paragraph (9), item (i) (including cases where these provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4)) as applied mutatis mutandis by replacing certain terms pursuant to Article 7, paragraph 15 (including cases where the provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4));
- (v) tasks to be handled by designated municipalities pursuant to the provisions of Article 7, paragraph (11), item (i) (including cases where the provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4)) as applied mutatis mutandis pursuant to Article 7, paragraph (15) (including cases where the provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4)) (limited to those pertaining to facility construction plan that involves an act of converting cropland of over four hectares into non-cropland for use for the same business purpose or acts of acquiring the rights set forth in the main clause of Article 3, paragraph (1) of the Cropland Act for cropland of over four hectares, or meadow/pastureland in combination with the cropland, for use for the same business purpose);

Supplementary Provisions [Extract]

(Effective Date)

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

(Review)

Article 2 The Government is to review the status of enforcement of this Act within five years from the date of enforcement, and take necessary measures based on the results.

Supplementary Provisions [Act No. 50 of June 26, 2015] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2016.

Supplementary Provisions [Act No. 63 of September 4, 2015] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2016: provided, however, that the provisions of the following items come into force as from the dates set forth in the respective items:

(i) The provisions of Article 28, Article 29, paragraphs (1) and (3), Articles 30 through 40, Article 47 (limited to the parts pertaining to the officers of prefectural agricultural councils and the National Chamber of Agriculture), Article 50, Article 109, and Article 115 of the Supplementary Provisions - the date of promulgation (hereinafter referred to as the "date of promulgation");

(Transitional Measures upon Partial Amendment of the Act on Promoting Generation of Electricity from Renewable Energy Sources Harmonized with Sound Development of Agriculture, Forestry and Fisheries)

Article 105 The opinions given by prefectural agricultural councils pursuant to the provisions of Article 7, paragraph (11) (limited to the part pertaining to item (i)) of the Act on Promoting the Generation of Electricity from Renewable Energy Sources Harmonized with Sound Development of Agriculture, Forestry and Fisheries prior to the amendment under the preceding article (hereinafter referred to as the "former Act on Renewable Energy for Agricultural, Forestry, and Fisheries") (including cases where the provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4) of the former Act on Renewable Energy for Agricultural, Forestry, and Fisheries) before the date of enforcement are deemed to be opinions given by agricultural committees pursuant to the provisions of Article 7, paragraph (11) of the (limited to the part pertaining to item (i)) (including cases where the provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4) of the new Act on the Promotion of Generation of Renewable Energy Electricity in Harmony with Sound Development of Agriculture, Forestry and Fisheries) after the amendment under the preceding article (hereinafter referred to as the "new Act on Renewable Energy for Agricultural, Forestry, and Fisheries") (including cases where the provisions are applied mutatis mutandis pursuant to Article 8, paragraph (4) of the new Act on Renewable Energy for Agricultural, Forestry, and Fisheries).

(Delegation to Cabinet Order)

Article 115 In addition to what is provided for in these Supplementary Provisions, transitional measures that become necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

Supplementary Provisions [Act No. 50 of May 27, 2016] [Extract]

(Effective Date)

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

Supplementary Provisions [Act No. 23 of May 18, 2018] [Extract]

(Effective Date)

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