

Act on the New Energy and Industrial Technology Development Organization (Article 2 unenforced, etc.)

(Act No. 145 of December 11, 2002)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to provide the matters concerning the name, purpose, and the scope of operations, etc. of the New Energy and Industrial Technology Development Organization, Independent Administrative Agency.

(Definitions)

Article 2 (1) The term "non-fossil energy" as used in this Act means non-fossil energy as prescribed in Article 2 of the Act on Development and Introduction of Non-Fossil Energy (Act No. 71 of 1980; hereinafter referred to as the "Non-Fossil Energy Act").

(2) The term "rational use of energy" as used in this Act means rational use of energy as prescribed in Article 2, paragraph (1) of the Act on the Rational Use of Energy (Act No. 49 of 1979).

(Name)

Article 3 The name of the independent administrative agency prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999; hereinafter referred to as the "Act on General Rules") that is to be established as provided by this Act and the Act on General Rules is the New Energy and Industrial Technology Development Organization, Independent Administrative Agency.

(Purpose of the New Energy and Industrial Technology Development Organization)

Article 4 (1) The purpose of the New Energy and Industrial Technology Development Organization, Independent Administrative Agency (hereinafter referred to as "NEDO") is to strengthen industrial technology and to promote the commercialization thereof by comprehensively performing operations such as promoting R&D (meaning research and development; the same applies hereinafter) carried out using skills of the private sector; promoting R&D done by the private sector with regard to technology for non-fossil energies, combustible natural gas, and coal; promoting the technology required for the rational use of energy and technology in mining and industry; and promoting the utilization of such technology in cooperation with the international community; thereby contribute to ensuring a stable and efficient energy supply in accordance with the changes in the domestic and foreign economic and social environments and to the development of the economy and industry.

(2) In addition to what is prescribed in the preceding paragraph, NEDO is to participate in activities that will lead to the acquisition of emission reduction units as prescribed in Article 6, paragraph 3 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (hereinafter referred to as the "Kyoto Protocol"); is to participate in the acquisition of certified emission reductions as prescribed in Article 12, paragraph 9 of the Kyoto Protocol; is to participate in emissions trading as prescribed in Article 17 of the Kyoto Protocol; and thereby aim to contribute to the commitment based on Article 3 of the Kyoto Protocol, while avoiding significant restrictions on Japan's energy use and industrial activities.

(Office)

Article 5 The principal office of NEDO is to be located in Kanagawa Prefecture.

(Stated Capital)

Article 6 (1) The stated capital of NEDO is to be the total amount of capital contributions considered to have been made by the government and persons other than the government pursuant to the provisions of Article 2, paragraph (6) and paragraph (9) of the Supplementary Provisions.

(2) The government, when it finds it necessary, may make capital contributions to NEDO within the amount specified in the budget.

(3) When capital contributions have been made by the government pursuant to the provisions of the preceding paragraph, NEDO is to increase its stated capital by the amount of the capital contributions.

(Investment Securities)

Article 7 (1) NEDO issues investment securities for capital contributions received.

- (2) Investment securities are to be registered.
- (3) Beyond what is provided for in the preceding paragraph, necessary matters concerning investment securities are specified by Cabinet Order.

(Prohibition on Return of Equity Interests)

Article 8 (1) NEDO may not return equity interests to its capital investors.

- (2) NEDO may neither acquire the equity interests of its capital investors nor receive them as the collateral of a pledge.

Chapter II Officers and Employees

(Officers)

Article 9 (1) NEDO is to have as its officers one chairperson as its head and two auditors.

- (2) NEDO may have as its officers one president and up to five executive directors.

(Duties and Authority of the President and Executive Directors)

Article 10 (1) The president, under the direction of the chairperson, represents NEDO and administers the operations of NEDO by assisting the chairperson.

- (2) The executive directors, under the direction of the chairperson, administer the operations of NEDO by assisting the chairperson (when there is a president, assisting the chairperson and the president).

- (3) An officer as set forth in the relevant Individual Act specified in Article 19, paragraph (2) of the Act on General Rules is to be the president; provided, however, that when there is no president but there are executive directors, the officer is to be an executive director, and when there is no president nor executive director, the officer is to be an auditor.

- (4) In the case referred to in the proviso of the preceding paragraph, an auditor who represents or performs the duties of the chairperson pursuant to the provisions of Article 19, paragraph (2) of the Act on General Rules may not perform the duties as an auditor at the same time.

(Term of Office for Officers)

Article 11 The term of office of the chairperson and the president is to be four years and that of an executive director and an auditor is to be two years.

(Special Provisions of Disqualification Clause for an Executive Director)

Article 12 (1) Public employees in the field of education as specified by Cabinet Order may become executive directors, notwithstanding the provisions of Article 22 of the Act on General Rules.

(2) For the purpose of applying the provisions of Article 23, paragraph (1) of the Act on General Rules to the dismissal of executive directors of NEDO, the term "the preceding Article" in that paragraph is deemed to be replaced with "the preceding Article and Article 12, paragraph (1) of the Act on the New Energy and Industrial Technology Development Organization."

(Duty of Confidentiality)

Article 13 Persons who are or who used to be officers or employees of NEDO may not divulge or misappropriate any secret that has come to their knowledge in the course of their duties.

(Status of Officers and Employees)

Article 14 Officers and employees of NEDO are deemed to be employees engaging in public service pursuant to laws and regulations, with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

Chapter III Business Operations

(Scope of Operations)

Article 15 (1) NEDO performs the following operations in order to achieve the purpose set forth in Article 4, paragraph (1):

- (i) conducting the development of the following technology (excluding technology related to nuclear power), which can be developed effectively using skills from the private sector, and which is necessary to be commercialized, particularly from the perspective of the national economy:
 - (a) the technology to utilize the alternative energies listed in Article 2, item (i) through item (iii) of the Non-Fossil Energy Act for power generation or to generate non-fossil energies listed in item (iv) of that Article, or technology to utilize electricity pertaining to the technology;
 - (b) technology required for producing, generating, or utilizing non-fossil energy (excluding technology listed in (a));
 - (c) technology required for utilizing combustible natural gas and coal (limited to technology required for significantly increasing the amount of electricity generated through the use of combustible natural gas and coal or other technology required for enhancing the use of combustible natural gas and coal); and
 - (d) technology required for the rational use of energy;
- (ii) conducting R&D concerning technology in mining and industry (excluding technology related to nuclear power; hereinafter referred to as "mining and industrial technology" in this Article) that can be effectively carried out using skills of the private sector (excluding those listed in the preceding

- item);
- (iii) providing assistance for R&D concerning mining and industrial technology;
 - (iv) conducting demonstrations in foreign countries of the effectiveness of the technology listed in item (i) (limited to demonstrations of the technology conducted in regions where the dissemination of the technology is particularly necessary for the purpose of ensuring a stable supply of non-fossil energy, combustible natural gas, and coal to Japan);
 - (v) granting subsidies to be appropriated for the funds required for the introduction of technology listed in item (i), (c) and (d), the dissemination of which is particularly necessary;
 - (vi) performing the following operations concerning collection and provision of information and their guidance:
 - (a) collection and provision of information concerning the enhancement of the use of combustible natural gas and coal, and guidance concerning the technology listed in item (i), (c) (excluding guidance listed in (b) of the following item); and
 - (b) collection and provision of information concerning the rational use of energy, and guidance concerning the technology listed in item (i), (d);
 - (vii) performing the following operations concerning coal:
 - (a) granting subsidies to be appropriated for the funds required for the surveys necessary for coal exploration in foreign countries or the development of coal resources in foreign countries; and
 - (b) collection and provision of information concerning the geological surveys necessary for coal exploration in foreign countries and of other information that is to contribute to ensuring a stable supply of coal, and guidance concerning the technology necessary for coal production;
 - (viii) providing training for the purposes of fostering engineers in the field of mining and industrial technology and improving their qualifications;
 - (ix) providing advice concerning the enhancement of technology management capabilities prescribed in Article 2, paragraph (2) of the Industrial Technology Enhancement Act (Act No. 44 of 2000);
 - (x) performing operations incidental to the operations set forth in the preceding items;
 - (xi) performing the operations prescribed in Article 11 of the Non-Fossil Energy Act;
 - (xii) performing the operations prescribed in Article 11 of the Act on Facilitating Research and Development in Basic Technology (Act No. 65 of 1985; hereinafter referred to as the "Basic Technology Act");
 - (xiii) performing the operations prescribed in Article 20 of the Act on the Promotion of Research, Development and Dissemination of Assistive Products (Act No. 38 of 1993; hereinafter referred to as the "Assistive

- Products Act");
- (xiv) performing the operations prescribed in Article 10 of the Act on the Promotion of New Energy Usage (Act No. 37 of 1997).
- (2) NEDO performs the following operations for the purpose of achieving the purpose set forth in Article 4, paragraph (2):
- (i) participating in activities that will lead to the acquisition of emission reduction units as prescribed in Article 6, paragraph 3 of the Kyoto Protocol, participating in the acquisition of certified emission reductions as prescribed in Article 12, paragraph 9 of the Kyoto Protocol, and participating in emissions trading as prescribed in Article 17 of the Kyoto Protocol;
 - (ii) when it is necessary for performing the operations listed in the preceding item, providing guidance concerning technology for non-fossil energy, combustible natural gas, and coal; technology required for the rational use of energy; and mining and industrial technology to persons who conduct business activities that contribute to the prevention of global warming (meaning global warming as prescribed in Article 2, paragraph (1) of the Act on Promotion of Global Warming Countermeasures (Act No. 117 of 1998)); and
 - (iii) performing operations incidental to the operations set forth in the preceding two items.

(Entrustment of Operations)

- Article 16 (1) NEDO may entrust part of the operations listed in paragraph (1), item (xiv) of the preceding Article to a financial institution or other corporations specified by Cabinet Order, with the authorization of the Minister of Economy, Trade and Industry.
- (2) Notwithstanding the provisions of other laws, a financial institution may accept entrustment of authorized operations as set forth in the preceding paragraph and perform those operations.
- (3) Officers and employees of a financial institution or other corporations specified by Cabinet Order that has accepted the entrustment of operations under paragraph (1) (hereinafter referred to as an "entrusted financial institution or corporation") who engage in the entrusted operations are deemed to be employees engaging in public service pursuant to laws and regulations, with regard to the application of the Penal Code and other penal provisions.
- (4) When the Minister of Economy, Trade and Industry finds it necessary for ensuring the sound and appropriate management of the operations listed in paragraph (1), item (xiv) of the preceding Article, the Minister may have the entrusted financial institution or corporation make a report on its entrusted operations, or have the Ministry's employees enter the offices or places of business of the entrusted financial institution or corporation to inspect its

operating conditions or its books, documents, and other objects.

- (5) When the employees conduct an on-site inspection pursuant to the provisions of the preceding paragraph, they must carry an identification card and present it to the persons concerned.
- (6) The authority for on-site inspections under paragraph (4) may not be construed as having been granted for criminal investigation.

(Separate Accounting)

Article 17 NEDO must separate the accounting for each of the following operations and prepare separate accounts for each of the operations:

- (i) out of the operations listed in the items of Article 15, paragraph (1) (excluding item (i), (b) and (d), item (iv), item (v) (limited to the operations pertaining to technology listed in item (i), (d)), item (vi), (b), item (vii), and items (xii) through item (xiv)), the operations concerning measures for electric power use as prescribed in Article 85, paragraph (5) of the Act on Special Accounts (Act No. 23 of 2007);
- (ii) out of the operations listed in the items of Article 15, paragraph (1) (excluding item (xii) and item (xiii)) and the items of Article 15, paragraph (2), the operations concerning measures for a stable fuel supply as prescribed in Article 85, paragraph (2) of the Act on Special Accounts and the measures for the enhancement of the energy supply-demand structure as prescribed in paragraph (3) of that Article;
- (iii) the operations listed in Article 15, paragraph (1), item (xii); and
- (iv) operations other than those listed in the preceding three items.

(Application, Mutatis Mutandis of the Act on Regulation of Execution of Budget Pertaining to Subsidies, etc.)

Article 18 The provisions of the Act on Regulation of Execution of Budget Pertaining to Subsidies, etc. (Act No. 179 of 1955) (including penal provisions) apply mutatis mutandis to subsidies granted by NEDO pursuant to the provisions of Article 15, paragraph (1), item (iii), item (v), item (vii), (a), item (xi) (limited to the part pertaining to Article 11, item (i) of the Non-Fossil Energy Act), and item (xiii) (limited to the part pertaining to Article 20, item (i) of the Assistive Products Act). In this case, the terms "ministries and agencies" and "the heads of ministries and agencies" in the Act on Regulation of Execution of Budget Pertaining to Subsidies, etc. (excluding Article 2, paragraph (7)) are deemed to be replaced with "the New Energy and Industrial Technology Development Organization, Independent Administrative Agency" and "the chairperson of the New Energy and Industrial Technology Development Organization, Independent Administrative Agency," respectively; the term "the State" in Article 2, paragraph (1) and paragraph (4), Article 7,

paragraph (2), Article 19, paragraph (1) and paragraph (2), Article 24, and Article 33 of the same Act is deemed to be replaced with "the New Energy and Industrial Technology Development Organization, Independent Administrative Agency"; and the term "fiscal year of the State" in Article 14 of the same Act is deemed to be replaced with "business year of the New Energy and Industrial Technology Development Organization, Independent Administrative Agency."

(Special Provisions for Disposition of Profits and Losses)

Article 19 (1) When NEDO has settled each account for the operations listed in Article 17, item (i), item (ii), and item (iv) pursuant to the provisions of Article 44, paragraph (1) or paragraph (2) of the Act on General Rules for the final business year of the period for the mid-term target prescribed in Article 29, paragraph (2), item (i) of the Act on General Rules (hereinafter referred to as the "period for the mid-term target"), and there remain reserve funds as under Article 44, paragraph (1) of that Act, NEDO may appropriate the portion of the amount of reserve funds that has been approved by the Minister of Economy, Trade and Industry for the funds for operations prescribed in Article 15 during the following period for mid-term target following the period for the mid-term target in question, in accordance with the mid-term plan as set forth in Article 30, paragraph (1) of the Act on General Rules for the following period for mid-term target (when having obtained approval for a change pursuant to the provisions of the second sentence of the that paragraph, in accordance with the mid-term plan after the change).

(2) When seeking to grant approval pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must hear the opinions of the Ministry of Economy, Trade and Industry's Evaluation Committee for Independent Administrative Agencies and consult with the Minister of Finance in advance.

(3) When there remains any surplus after deducting the amount approved pursuant to the provisions of paragraph (1) from the amount equivalent to the amount of the reserve funds prescribed in that paragraph, NEDO must pay the remaining surplus to the national treasury.

(4) With regard to the application of the provisions of the proviso of Article 44, paragraph (1) of the Act on General Rules to the account for the operations listed in Article 17, item (iii) (hereinafter referred to as the "account for item (iii)"), the phrase "when the remaining surplus is to be appropriated for the purpose set forth in paragraph (3) pursuant to the provisions of that paragraph" in the same paragraph is deemed to be replaced with "when NEDO is to pay the amount calculated as specified by Cabinet Order to the national treasury or when the remaining surplus is to be appropriated for the purpose set forth in paragraph (3) pursuant to the provisions of that paragraph."

- (5) The provisions of paragraphs (1) through (3) apply mutatis mutandis to the account for item (iii). In this case, the phrase "Article 44, paragraph (1) of the Act on General Rules" in paragraph (1) is deemed to be replaced with "Article 44, paragraph (1) of the Act on General Rules as deemed to be replaced pursuant to the provisions of paragraph (4)."
- (6) Beyond what is provided for in the preceding paragraphs, the necessary procedures for making payment and other matters concerning the disposition of reserve funds are specified by Cabinet Order.

(State-Incurred Debt)

Article 19-2 When the State incurs a debt regarding the operations prescribed in Article 15, paragraph (2), the debt is to be paid off within eight years from the relevant fiscal year.

Chapter IV Miscellaneous Provisions

(Competent Minister)

Article 20 (1) The competent minister, competent ministry, and order of the competent ministry in the Act on General Rules pertaining to NEDO are the Minister of Economy, Trade and Industry, the Ministry of Economy, Trade and Industry, and Order of the Ministry of Economy, Trade and Industry, respectively.

(2) With regard to the matters concerning the operations prescribed in Article 15, paragraph (2) pertaining to NEDO, the competent minister and order of the competent ministry in the Act on General Rules are the Minister of Economy, Trade and Industry and the Minister of the Environment, and Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of the Environment, respectively.

(Distribution of Residual Assets at the Time of Dissolution of NEDO)

Article 21 If NEDO has dissolved and has any residual assets after repaying all debts, it is to distribute the residual assets to each capital investor, to the extent of the amount of each capital investor's capital contribution.

(Exemption from Application of the National Public Officers' Housing Act)

Article 22 The provisions of the National Public Officers' Housing Act (Act No. 117 of 1949) do not apply to the officers and employees of NEDO.

Article 23 Deleted

(Application, Mutatis Mutandis of Other Laws and Regulations)

Article 24 The Real Property Registration Act (Act No. 123 of 2004) and other laws and regulations specified by Cabinet Order apply mutatis mutandis to NEDO by deeming it to be an administrative organ of the State as specified by Cabinet Order.

Chapter V Penal Provisions

Article 25 A person who has divulged or misappropriated any secret in violation of Article 13 is punished by imprisonment with work for not more than one year or a fine of not more than 300,000 yen.

Article 26 An officer or employee of an entrusted financial institution or corporation who has failed to give the report under Article 16, paragraph (4) or has given a false report, or has refused, interfered with, or evaded inspections under the paragraph is punished by a fine of not more than 200,000 yen.

Article 27 In cases falling under any of the following items, an officer of NEDO who has committed the following violations is punished by a civil fine of not more than 200,000 yen:

- (i) performance of operations other than those prescribed in Article 15;
- (ii) failure to obtain the approval of the Minister of Economy, Trade and Industry when the approval is required pursuant to the provisions of Article 19, paragraph (1).

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Articles 15 through 19, Article 26, and Article 27 of this Act and Articles 6 through 34 of the Supplementary Provisions come into effect as of October 1, 2003.

(Repeal)

Article 1-2 The provisions of Article 4, paragraph (2), Article 15, paragraph (2), Article 19-2, and Article 20, paragraph (2) are to be repealed by March 31, 2016.

(Dissolution of the New Energy and Industrial Technology Development Organization)

Article 2 (1) The New Energy and Industrial Technology Development Organization (hereinafter referred to as the "former Organization") is to

dissolve as of the establishment of NEDO, and NEDO succeeds to all the rights and obligations of the former Organization as of the time of its establishment, except for those assets to which the State succeeds pursuant to the provisions of the following paragraph.

- (2) Among the rights held by the former Organization at the time of the establishment of NEDO, assets other than those necessary for NEDO to ensure performance of its operations are to be succeeded by the State at the time of the establishment of NEDO.
- (3) The scope of the assets that the State succeeds to pursuant to the provisions of the preceding paragraph and other necessary matters concerning the succession to the assets by the State are specified by Cabinet Order.
- (4) The former Organization's business year beginning April 1, 2003, is to end on the day preceding the date of the dissolution of the former Organization.
- (5) With regard to the statement of the settlement of accounts, the inventory of assets, the balance sheet, and the profit and loss statement for the former Organization's business year beginning April 1, 2003, the provisions then in force remain applicable; provided, however, that the provisions of Article 21, paragraph (1) of the Act on the Promotion of the Development and Introduction of Alternative Energy prior to the amendment under Article 20 of the Supplementary Provisions (hereinafter referred to as the "former Act on the Promotion of the Development and Introduction of Alternative Energy") do not apply.
- (6) When NEDO has succeeded to the rights and obligations of the former Organization pursuant to the provisions of paragraph (1), the amount equivalent to the total of the following amounts is deemed to have been contributed to NEDO by the government at the time of the establishment of NEDO:
 - (i) the amount obtained by subtracting the amount of liabilities (excluding those belonging to the accounts listed in (a) through (c) below) from the value of the assets to be succeeded by NEDO (excluding those belonging to the accounts listed in (a) through (c) below) (the value excludes the amount equivalent to that contributed to the former Organization by persons other than the government):
 - (a) the special account set forth in Article 6, paragraph (1) of the Act on Development of an R&D System for Industrial Technology prior to its repeal under Article 14 of the Supplementary Provisions (Act No. 33 of 1988; hereinafter referred to as the "former Act on R&D System Development") that pertains to the operations related to capital contributions to the research infrastructure prescribed in that paragraph;
 - (b) the account for the promotion of basic technology research prescribed in Article 13, paragraph (1) of the Basic Technology Act prior to its

- amendment under Article 22 of the Supplementary Provisions (hereinafter referred to as the "former Basic Technology Act"); and
- (c) The account for operations related to mining and industry succession as prescribed in Article 9 of the Supplementary Provisions of the Act for Partial Revision of the Act on Facilitating Research and Development in Basic Technology (Act No. 60 of 2001; hereinafter referred to as the "the amended Basic Technology Act") as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 13 of the Supplementary Provisions of the amended Basic Technology Act (hereinafter referred to as the "succeeded former account for mining and industry");
 - (ii) the amount contributed to the former Organization by the government up to the time of dissolution of the former Organization under paragraph (1) (hereinafter referred to as the "time of dissolution" in this Article) as the amount to be appropriated as funds necessary for the operations listed in Article 4, item (iii) of the former Act on R&D System Development and the items of Article 11 of the former Basic Technology Act; and
 - (iii) the amount deemed to have been contributed to the former Organization by the government under Article 3, paragraph (1) of the Supplementary Provisions of the amended Basic Technology Act (if the stated capital has been increased or decreased pursuant to the provisions of Article 10 of the Supplementary Provisions of the amended Basic Technology Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 13 of the Supplementary Provisions of the amended Basic Technology Act, the amount includes the amount considered to have been contributed under the Article and excludes the amount considered not to have been contributed under the Article).
- (7) The value of the assets set forth in item (i) of the preceding paragraph is to be as evaluated by the members of the Evaluation Committee on the basis of the market value as of the date of establishment of NEDO.
- (8) The members of the Evaluation Committee set forth in the preceding paragraph and other necessary matters concerning the evaluation are specified by Cabinet Order.
- (9) When NEDO has succeeded to the rights and obligations of the former Organization pursuant to the provisions of paragraph (1), the following amounts are considered to have been contributed to NEDO by persons other than the government as set forth in the relevant item as of the time of NEDO's establishment, as amounts that were to be appropriated as the funds necessary for the operations listed in the relevant item:
- (i) the amount equivalent to 50% of the amount contributed to the former Organization by persons other than the government up to the time of dissolution: the operations listed in Article 17, item (i);

- (ii) the amount obtained by subtracting the amount listed in the preceding item from the amount contributed to the former Organization by persons other than the government up to the time of the dissolution: the operations listed in Article 17, item (ii);
- (iii) the amount considered to have been contributed to the former Organization by persons other than the government under Article 3, paragraph (1) of the Supplementary Provisions of the amended Basic Technology Act (if the stated capital has been increased pursuant to the provisions of Article 10 of the Supplementary Provisions of the amended Basic Technology Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 13, the amount includes the amount considered to have been contributed under that Article, and if the stated capital has been decreased pursuant to the provisions of that Article or the provisions of paragraph (2) of the following Article, the amount excludes the amount considered not to have been contributed under Article 10 of the Supplementary Provisions of the amended Basic Technology Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 13 or excludes the amount of capital contributions pertaining to equity interests returned pursuant to paragraph (2) of the following Article): the operations prescribed in Article 9, paragraphs (1) through (3) of the Supplementary Provisions.
- (10) The pledge on investment securities issued by the former Organization exists on investment securities of NEDO to be received by capital investors pursuant to the provisions of Article 7, paragraph (1).
- (11) Upon the dissolution of the former Organization, the distribution of residual assets pursuant to the provisions of Article 55, paragraph (1) of the former Act on the Promotion of the Development and Introduction of Alternative Energy is not to be carried out.
- (12) Matters concerning the registration of dissolution upon the dissolution of the former Organization pursuant to paragraph (1) are specified by Cabinet Order.

(Return of Equity Interests)

Article 3 (1) With regard to the amount considered to have been contributed to the former Organization by persons other than the government pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions of the amended Basic Technology Act (if stated capital has been increased or decreased pursuant to the provisions of Article 10 of the Supplementary Provisions of the amended Basic Technology Act as applied mutatis mutandis following the deemed replacement of terms pursuant to Article 13, the amount includes the amount considered to have been contributed under that Article and exclude the amount considered not to have been contributed under that

Article), the persons other than the government may demand that the former Organization return their equity interests limited to the period specified by Cabinet Order.

- (2) The former Organization, when it has received a demand under the preceding paragraph, must return to persons who have made the demand, the amount equivalent to their equity interests against the amount obtained by subtracting the amount of liabilities from the value of assets belonging to the succeeded former account for mining and industry as of the date specified by Cabinet Order, notwithstanding the provisions of Article 16, paragraph (1) of the former Act on the Promotion of Development and Introduction of Alternative Energy. In this case, the former Organization is to decrease its stated capital by the amount of capital contributions pertaining to the equity interests.
- (3) The provisions of paragraph (7) and paragraph (8) of the preceding Article apply mutatis mutandis to the value of assets set forth in the preceding paragraph. In this case, the phrase "date of establishment of NEDO" in paragraph (7) of that Article is deemed to be replaced with "date specified by Cabinet Order as prescribed in Article 3, paragraph (2) of the Supplementary Provisions."
- (4) With regard to the amount considered to have been contributed to NEDO by persons other than the government pursuant to the provisions of paragraph (9) of the preceding Article (excluding item (iii)), those persons other than the government may demand that NEDO return their equity interests limited to within one month from the date of establishment of NEDO.
- (5) NEDO, when it has received a demand under the preceding paragraph, must return the amount equivalent to the capital contributions pertaining to the equity interests, notwithstanding the provisions of Article 8, paragraph (1). In this case, NEDO is to decrease its stated capital by the amount returned.

(Transitional Measures Concerning the Office)

Article 4 NEDO is to have its principal office in Tokyo until the date specified by Cabinet Order, notwithstanding the provisions of Article 5.

Article 5 Deleted

(Transitional Operations Related to Mining Exploration Loans)

Article 6 (1) In addition to the operations prescribed in Article 15, NEDO manages and collects the claims on funds lent pursuant to the provisions of Article 39, paragraph (1), item (iv) of the former Act on the Promotion of the Development and Introduction of Alternative Energy (limited to claims that NEDO has succeeded under Article 2, paragraph (1) of the Supplementary Provisions) and perform other operations incidental thereto (hereinafter

referred to as "transitional operations related to mining exploration loans") until the collection of the claims has been completed.

- (2) When NEDO performs transitional operations related to mining exploration loans pursuant to the provisions of the preceding paragraph, the phrase "the operations listed in paragraph (1), item (xiv) of the preceding Article" in Article 16, paragraph (1) and paragraph (4) is deemed to be replaced with "the operations listed in paragraph (1), item (xiv) of the preceding Article and transitional operations related to mining exploration loans as prescribed in Article 6, paragraph (1) of the Supplementary Provisions"; the phrase "the operations listed in the items of Article 15, paragraph (1) (excluding item (xii) and item (xiii)) and the items of Article 15, paragraph (2)" in Article 17, item (ii) is deemed to be replaced with "the operations listed in the items of Article 15, paragraph (1) (excluding item (xii) and item (xiii)), the items of Article 15, paragraph (2), and transitional operations related to mining exploration loans as prescribed in Article 6, paragraph (1) of the Supplementary Provisions"; the phrase "the operations prescribed in Article 15" in Article 19, paragraph (1) is deemed to be replaced with "the operations prescribed in Article 15 and transitional operations related to mining exploration loans as prescribed in Article 6, paragraph (1) of the Supplementary Provisions"; and the phrase "those prescribed in Article 15" in Article 27, item (i) is deemed to be replaced with "those prescribed in Article 15 and transitional operations related to mining exploration loans as prescribed in Article 6, paragraph (1) of the Supplementary Provisions."

(Transitional Operations Related to Capital Contributions to the Research Infrastructure)

- Article 7 (1) In addition to the operations prescribed in Article 15, NEDO performs the operations related to disposition of the shares that the former Organization had acquired through capital contributions based on the provisions of Article 4, item (iii) of the former Act on R&D System Development and that NEDO has succeeded pursuant to the provisions of Article 2, paragraph (1) of the Supplementary Provisions, and other operations incidental thereto (hereinafter referred to as the "transitional operations related to capital contributions to the research infrastructure") until the date specified by Cabinet Order.
- (2) NEDO must separate its accounting for transitional operations related to capital contributions to the research infrastructure from its other accounting, and prepare a special account (hereinafter referred to as the "account for transitional operations related to capital contributions to the research infrastructure") to settle the account.
- (3) When NEDO performs transitional operations related to capital contributions

to the research infrastructure pursuant to the provisions of paragraph (1), the phrase "each account for the operations listed in Article 17, item (i), item (ii), and item (iv)" in Article 19, paragraph (1) is deemed to be replaced with "each account for the operations listed in Article 17, item (i), item (ii), and item (iv), and the account for transitional operations related to capital contributions to the research infrastructure as prescribed in Article 7, paragraph (2) of the Supplementary Provisions"; the phrase "the operations prescribed in Article 15" in the same paragraph is deemed to be replaced with "the operations prescribed in Article 15 and the transitional operations related to capital contributions to the research infrastructure as prescribed in Article 7, paragraph (1) of the Supplementary Provisions"; and the phrase "those prescribed in Article 15" in Article 27, item (i) is deemed to be replaced with "those prescribed in Article 15 and transitional operations related to capital contributions to the research infrastructure as prescribed in Article 7, paragraph (1) of the Supplementary Provisions."

(Discontinuance of the Account for Transitional Operations Related to Capital Contributions to the Research Infrastructure)

Article 8 (1) When NEDO has completed the transitional operations related to capital contributions to the research infrastructure, it is to discontinue the account for transitional operations related to capital contributions to the research infrastructure, and if, upon the discontinuance, there are any residual assets in the account for transitional operations related to capital contributions to the research infrastructure after paying all the debts, it must pay the residual assets to the national treasury.

(2) When NEDO has discontinued the account for transitional operations related to capital contributions to the research infrastructure pursuant to the provisions of the preceding paragraph, it is to decrease its stated capital by the amount of stated capital belonging to the account for transitional operations related to capital contributions to the research infrastructure as of the time of the account's discontinuance.

(Operations Related to Mining and Industry Succession)

Article 9 (1) In addition to the operations prescribed in Article 15, NEDO performs operations to dispose the shares that the former Organization had succeeded from the Japan Key Technology Center (hereinafter referred to as the "Center") under Article 2, paragraph (1) of the Supplementary Provisions of the amended Basic Technology Act, to which NEDO then succeeded under Article 2, paragraph (1) of the Supplementary Provisions, and other operations incidental thereto, until the date specified by Cabinet Order.

(2) In addition to the operations prescribed in Article 15, NEDO performs the

operations to manage and collect claims on funds lent pursuant to the provisions of Article 31, paragraph (1), item (i) of the Basic Technology Act prior to its amendment under Article 1 and Article 2 of the amended Basic Technology Act, funds lent pursuant to the provisions of Article 14, paragraph (2) of the Supplementary Provisions of the amended Basic Technology Act (limited to claims to which NEDO has succeeded under Article 2, paragraph (1) of the Supplementary Provisions), and funds lent pursuant to the provisions of the following paragraph, and other operations incidental thereto, until the collection of the claims has been completed.

- (3) If, as of March 31, 2001, there are any loan contracts that have been concluded by the Center pursuant to the provisions of Article 31, paragraph (1), item (i) of the Basic Technology Act prior to its amendment under Article 1 of the amended Basic Technology Act, (limited to loan contracts to which the former Organization succeeded under Article 2, paragraph (1) of the Supplementary Provisions of the amended Basic Technology Act) which remained unperformed as of the time of dissolution of the former Organization under Article 2, paragraph (1) of the Supplementary Provisions, NEDO may perform operations to make loans under the loan contracts and other operations incidental thereto, in addition to the operations prescribed in Article 15, until the date specified by Cabinet Order, for a period not exceeding one year from the date of dissolution of the Center under Article 2, paragraph (1) of the Supplementary Provisions of the amended Basic Technology Act.
- (4) NEDO must separate its accounting for the operations prescribed in the preceding three paragraphs (hereinafter referred to as "operations related to mining and industry succession") from its other accounting, and prepare a special account (hereinafter referred to as the "account for operations related to mining and industry succession") to settle the account.
- (5) When NEDO performs operations related to mining and industry succession pursuant to the provisions of paragraphs (1) through (3), the phrase "each account for the operations listed in Article 17, item (i), item (ii), and item (iv)" in Article 19, paragraph (1) is deemed to be replaced with "each account for the operations listed in Article 17, item (i), item (ii), and item (iv), and the account for operations related to mining and industry succession as prescribed in Article 9, paragraph (4) of the Supplementary Provisions"; the phrase "the operations prescribed in Article 15" in that paragraph is deemed to be replaced with "the operations prescribed in Article 15 and operations related to mining and industry succession as prescribed in Article 9, paragraph (4) of the Supplementary Provisions"; and the phrase "those prescribed in Article 15" in Article 27, item (i) is deemed to be replaced with "those prescribed in Article 15 and operations related to mining and industry succession as prescribed in Article 9, paragraph (4) of the Supplementary Provisions."

(6) When NEDO performs the operations pursuant to the provisions of paragraph (2) and paragraph (3), the phrase "a part of the operations listed in paragraph (1), item (xiv) of the preceding Article" in Article 16, paragraph (1) is deemed to be replaced with "a part of the operations listed in paragraph (1), item (xiv) of the preceding Article and the whole or a part of the operations prescribed in Article 9, paragraph (2) and paragraph (3) of the Supplementary Provisions"; and the phrase "the operations listed in paragraph (1), item (xiv) of the preceding Article" in paragraph (4) of that Article is deemed to be replaced with "the operations listed in paragraph (1), item (xiii) of the preceding Article and the operations prescribed in Article 9, paragraph (2) and paragraph (3) of the Supplementary Provisions."

(Discontinuance of the Account for Operations Related to Mining and Industry Succession)

Article 10 (1) When NEDO's operations related to mining and industry succession have been completed, NEDO is to discontinue the account for operations related to mining and industry succession, and if, after repaying all debts, there are any residual assets in the account for operations related to mining and industry succession upon the discontinuance, it is to distribute the residual assets to the government and to persons other than the government as set forth in Article 3, paragraph (1) of the Supplementary Provisions of the amended Basic Technology Act (excluding those who have received the return under Article 3, paragraph (2) of the Supplementary Provisions), in accordance with the amount of each capital investor's capital contribution.

(2) The amount that may be distributed to each capital investor pursuant to the provisions of the preceding paragraph is not to exceed the amount of each investor's capital contribution.

(3) When NEDO has discontinued the account for operations related to mining and industry succession pursuant to the provisions of paragraph (1) and any residual assets remain in the account, it is to pay the amount equivalent to those residual assets to the national treasury, as specified by Cabinet Order.

(4) When NEDO has discontinued the account for operations related to mining and industry succession pursuant to the provisions of paragraph (1), it is to decrease its stated capital by the amount of stated capital belonging to the account for operations related to mining and industry succession as of the time of account's discontinuance.

Article 11 Deleted

(Transitional Operations Related to the Coal Mining Industry)

Article 12 (1) In addition to the operations prescribed in Article 15, until

otherwise provided for by law, NEDO may perform the operations prescribed in Article 25, paragraph (1) of the Act on Temporary Measures Concerning the Structural Adjustment of the Coal Mining Industry (Act No. 156 of 1955; hereinafter referred to as the "former Structural Adjustment Act") prior to its repeal under Article 2 of the Act on the Rearrangement of Relevant Acts Upon Completion of the Structural Adjustment of the Coal Mining Industry (Act No. 16 of 2000; hereinafter referred to as the "Rearrangement Act"), if the provisions then in force are considered to remain applicable pursuant to the provisions of Article 3, paragraphs (1) through (3) and paragraphs (5) through (7) of the Supplementary Provisions of the Rearrangement Act, or if the relevant provisions of Article 25, paragraph (1) of the former Structural Adjustment Act are considered to remain effective pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions of the Rearrangement Act, and may perform the operations prescribed in Article 12, paragraph (1) of the Act on Temporary Measures Concerning Compensation, etc. for Coal Mine Damage (Act No. 97 of 1963; hereinafter referred to as the "former Compensation Act") prior to its repeal under Article 2 of the Rearrangement Act in the case where the relevant provisions of Article 12, paragraph (1) of the former Compensation Act are considered to remain effective pursuant to the provisions of Article 5, paragraph (1) and paragraphs (3) through (5) of the Supplementary Provisions of the Rearrangement Act (hereinafter the operations are referred to as "transitional operations related to the coal mining industry").

- (2) NEDO must separate its accounting for transitional operations related to the coal mining industry from its other accounts, and prepare a special account (hereinafter referred to as the "account for transitional operations related to the coal mining industry") to settle the account.
- (3) When NEDO performs transitional operations related to the coal mining industry pursuant to the provisions of paragraph (1), the phrase "the operations listed in paragraph (1), item (xiv) of the preceding Article" in Article 16, paragraph (1) is deemed to be replaced with "the operations listed in paragraph (1), item (xiv) of the preceding Article, and transitional operations related to the coal mining industry as prescribed in Article 12, paragraph (1) of the Supplementary Provisions (including operations incidental thereto) (limited to the operations listed in Article 12, paragraph (1), items (i) through (iii) of the Temporary Measures Concerning Compensation, etc. for Coal Mine Damage (Act No. 97 of 1963; hereinafter referred to as the "former Compensation Act") prior to its repeal under Article 2 of the Act on the Rearrangement of Relevant Acts Upon Completion of the Structural Adjustment of the Coal Mining Industry (Act No. 16 of 2000; hereinafter referred to as the "Rearrangement Act") when the relevant provisions of Article

12, paragraph (1) of the former Compensation Act are considered to remain effective pursuant to the provisions of Article 5, paragraph (1) and paragraph (3) of the Supplementary Provisions of the Rearrangement Act"; the phrase "the operations listed in paragraph (1), item (xiv) of the preceding Article" in Article 16, paragraph (4) is deemed to be replaced with "the operations listed in paragraph (1), item (xiv) of the preceding Article and transitional operations related to the coal mining industry as prescribed in Article 12, paragraph (1) of the Supplementary Provisions (limited to the operations related to exercising the right to obtain reimbursement as prescribed in Article 36-19, paragraph (1) of the Act on Temporary Measures Concerning the Structural Adjustment of the Coal Mining Industry (Act No. 156 of 1955; hereinafter referred to as the 'former Structural Adjustment Act') prior to its repeal under Article 2 of the Rearrangement Act, which are considered to remain effective pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions of the Rearrangement Act, and the operations listed in Article 12, paragraph (1), items (i) through (iii) of the former Compensation Act which are considered to remain effective pursuant to the provisions of Article 5, paragraph (1) and paragraph (3) of the Supplementary Provisions of the Rearrangement Act (including operations incidental thereto))"; the phrase "the entrusted financial institution or corporation" in Article 16, paragraph (4) is deemed to be replaced with "the entrusted financial institution or corporation or the bank that has accepted the entrustment of operations under Article 36-19, paragraph (1) of the former Structural Adjustment Act which are considered to remain effective pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions of the Rearrangement Act (hereinafter referred to as the "entrusted bank")"; the phrase "of the entrusted financial institution or corporation" in Article 16, paragraph (4) is deemed to be replaced with "of the entrusted financial institution or corporation or of the entrusted bank"; the phrase "and item (xiii) (limited to the part pertaining to Article 20, item (i) of the Assistive Products Act)" in Article 18 is deemed to be replaced with "item (xii) (limited to the part pertaining to Article 20, item (i) of the Assistive Products Act), and Article 12, paragraph (1) of the Supplementary Provisions (limited to the part pertaining to Article 12, paragraph (1), item (v) of the former Compensation Act which is considered to remain effective pursuant to the provisions of Article 5, paragraph (5) of the Supplementary Provisions of the Rearrangement Act)"; the phrase "the entrusted financial institution or corporation" in Article 26 is deemed to be replaced with "the entrusted financial institution or corporation or the entrusted bank"; the phrase "those prescribed in Article 15" in Article 27, item (i) is deemed to be replaced with "those prescribed in Article 15 and transitional operations related to the coal mining industry as prescribed in Article 12, paragraph (1) of the Supplementary Provisions"; and

the phrase "and Cabinet Order based thereon" in Article 50 of the Act on General Rules is deemed to be replaced with "the Act on Temporary Measures Concerning the Structural Adjustment of the Coal Mining Industry (Act No. 156 of 1955; limited to the part which is considered to remain effective pursuant to the provisions of Article 3 of the Supplementary Provisions of the Rearrangement Act) prior to its repeal under Article 2 of the Act on the Rearrangement of Relevant Acts Upon Completion of the Structural Adjustment of the Coal Mining Industry (Act No. 16 of 2000; hereinafter referred to as the "Rearrangement Act"), the Act on Temporary Measures Concerning Compensation, etc. for Coal Mine Damage (Act No. 97 of 1963; limited to the part which is considered to remain effective pursuant to the provisions of Article 5 of the Supplementary Provisions of the Rearrangement Act) prior to its repeal under Article 2 of the Rearrangement Act, and orders based on these Acts."

(Payments in the Account for Transitional Operations Related to the Coal Mining Industry)

Article 13 (1) When NEDO has settled the account for transitional operations related to the coal mining industry as prescribed in Article 44, paragraph (1) or paragraph (2) of the Act on General Rules for the business year 2005, and when the Minister of Economy, Trade and Industry has determined, having taken into consideration the amount to be appropriated as funds necessary for transitional operations related to the coal mining industry, the amount that NEDO is to pay to the national treasury out of the amounts specified in the following items in accordance with the classification listed in the relevant item, NEDO must pay the amount to the national treasury, as specified by Cabinet Order:

(i) when there are reserve funds as prescribed in Article 44, paragraph (1) of the Act on General Rules: the amount obtained by adding the amount equivalent to the reserve funds to the total reimbursement made from the business year 2003 to the business year 2005 of loans under Article 25, paragraph (1), item (viii), item (ix), items (xi) through (xiii), item (xvi)-2, and item (xvi)-4 of the former Structural Adjustment Act, which are considered to remain effective with regard to the reimbursement of the loans pursuant to the provisions of Article 3, paragraph (4) of the Supplementary Provisions of the Rearrangement Act, and of the loans under Article 12, paragraph (1), item (ii) and item (iii) of the former Compensation Act which are considered to remain effective with regard to the reimbursement of the loans pursuant to the provisions of Article 5, paragraph (3) of the Supplementary Provisions of the Rearrangement Act (hereinafter collectively referred to as "loans" in this Article); and

- (ii) when there is a loss carried forward as prescribed in Article 44, paragraph (2) of the Act on General Rules (including when there are neither reserve funds as prescribed in paragraph (1) of that Article nor a loss carried forward as prescribed in paragraph (2) of the that Article): the total reimbursement of loans that was made from the business year 2003 to the business year 2005.
- (2) After NEDO has settled the account for transitional operations related to the coal mining industry as prescribed in Article 44, paragraph (1) or paragraph (2) of the Act on General Rules for the final business year of the period for the mid-term target, when the Minister of Economy, Trade and Industry has determined, having taken into consideration the amount to be appropriated as funds necessary for transitional operations related to the coal mining industry, the amount that NEDO is to pay to the national treasury out of the amounts specified in the following items in accordance with the classification listed in the relevant item, NEDO must pay the amount to the national treasury, as specified by Cabinet Order:
- (i) when there are reserve funds as prescribed in Article 44, paragraph (1) of the Act on General Rules: the amount obtained by adding the amount equivalent to the reserve funds to the total reimbursement of loans that was made during the period for the mid-term target (for the first period for the mid-term target after the establishment of NEDO, excluding the amount reimbursed from the business year 2003 to the business year 2005); and
 - (ii) when there is a loss carried forward as prescribed in Article 44, paragraph (2) of the Act on General Rules (including the case where there are neither reserve funds as prescribed in paragraph (1) of the that Article nor a loss carried forward as prescribed in paragraph (2) of that Article): the total reimbursement of loans that was made during the period for the mid-term target (for the first period for the mid-term target after the establishment of NEDO, excluding the amount reimbursed from the business year 2003 to the business year 2005).
- (3) When determining the amount pursuant to the provisions of the preceding two paragraphs, the Minister of Economy, Trade and Industry must hear the opinions of the Ministry of Economy, Trade and Industry's Evaluation Committee for Independent Administrative Agencies and consult with the Minister of Finance in advance.
- (4) NEDO, when it has made payments pursuant to the provisions of paragraph (1) or paragraph (2), is to decrease its stated capital by the amounts specified in the following items in accordance with the category listed in the relevant item:
- (i) in the case listed in paragraph (1), item (i) or paragraph (2), item (i): the amount obtained by subtracting the amount equivalent to reserve funds as

- set forth in paragraph (1), item (i) or paragraph (2), item (i) from the amount of the payment; and
- (ii) in the case listed in paragraph (1), item (ii) or paragraph (2), item (ii): the amount obtained by adding the amount equivalent to the loss carried forward as set forth in paragraph (1), item (ii) or paragraph (2), item (ii) to the amount of the payment (if there is no loss carried forward, the amount of the payment).
- (5) Beyond what is provided for in the preceding paragraphs, procedures for making payments and other matters concerning the disposition of reserve funds and reimbursement of loans are specified by Cabinet Order.

(Operations Related to Promoting Specific Business Activities)

- Article 14 (1) In addition to the operations prescribed in Article 15, NEDO performs the operations prescribed in Article 10 of the Act on Temporary Measures to Promote Business Activities for the Rational Use of Energy and the Utilization of Recycled Resources (Act No. 18 of 1993; hereinafter referred to as the "Specific Business Activities Promotion Act") (hereinafter the operations are referred to as the "operations related to promoting specific business activities").
- (2) When NEDO performs the operations related to promoting specific business activities pursuant to the provisions of the preceding paragraph, the phrase "the operations listed in paragraph (1), item (xiii) of the preceding Article" in Article 16, paragraph (1) and paragraph (4) is deemed to be replaced with "the operations listed in paragraph (1), item (xiii) of the preceding Article, and operations related to promoting specific business activities as prescribed in Article 14, paragraph (1) of the Supplementary Provisions"; the phrase "the operations listed in the items of Article 15, paragraph (1) (excluding item (xi) and item (xii)) and the items of Article 15, paragraph (2)" in Article 17, item (ii) is deemed to be replaced with "the operations listed in the items of Article 15, paragraph (1) (excluding item (xi) and item (xii)) and the items of Article 15, paragraph (2), and operations related to promoting specific business activities as prescribed in Article 14, paragraph (1) of the Supplementary Provisions"; the phrase "subsidies granted by NEDO pursuant to the provisions of each item of Article 15, paragraph (1), (excluding item (xi) and item (xii)), and interest subsidies granted by NEDO pursuant to the provisions of Article 14, paragraph (1) (limited to the part pertaining to Article 10, item (ii) of the Supplementary Provisions of the Specific Business Activities Promotion Act)"; the phrase "the operations prescribed in Article 15" in Article 19, paragraph (1) is deemed to be replaced with "the operations prescribed in Article 15 and operations related to promoting specific business activities as prescribed in Article 14, paragraph (1) of the Supplementary Provisions"; and the phrase

"those prescribed in Article 15" in Article 27, item (i) is deemed to be replaced with "those prescribed in Article 15 and operations related to promoting specific business activities as prescribed in Article 14, paragraph (1) of the Supplementary Provisions."

(Transitional Operations Related to Promoting Specific Business Activities)

Article 15 (1) Until otherwise provided for by law, in addition to the operations prescribed in Article 15, NEDO performs the operations set forth in Article 10, item (i) of the Specific Business Activities Promotion Act prior to its revision under Article 1 of the Act for Partial Revision of the Act on Temporary Measures to Promote Business Activities for the Rational Use of Energy and the Utilization of Recycled Resources and under the Act on Special Accounts for Measures for Advancing the Supply and Demand Structure of Petroleum and Energy (Act No. 37 of 2003) related to loan guarantee contracts that the Industrial Infrastructure Development Fund has concluded prior to the enforcement of that Act, and performs other operations incidental thereto (hereinafter referred to as the "transitional operations related to promoting specific business activities").

(2) NEDO must separate its accounting for transitional operations related to promoting specific business activities (limited to the appropriation for the expenses necessary to perform the transitional operations, of an amount equivalent to the capital contributions from the investment account of the special account for the fiscal investment and loan program as listed in Article 4, paragraph (15), item (ii) of the Supplementary Provisions of the Act to Repeal the Small and Medium Sized Enterprise Corporation Act and the Machinery Credit Insurance Act (Act No. 146 of 2002) that are considered to have been contributed to NEDO pursuant to the provisions of that paragraph; the same applies in paragraph (1) of the following Article) from other account, and prepare a special account (hereinafter referred to as the "account for transitional operations related to promoting specific business activities") to settle the account.

(3) When NEDO performs transitional operations related to promoting specific business activities pursuant to the provisions of paragraph (1), the phrase "the operations listed in paragraph (1), item (xiv) of the preceding Article" in Article 16, paragraph (1) and paragraph (4) is deemed to be replaced with "the operations listed in paragraph (1), item (xiv) of the preceding Article, and transitional operations related to promoting specific business activities as prescribed in Article 15, paragraph (1) of the Supplementary Provisions"; the phrase "the operations listed in the items of Article 15, paragraph (1) (excluding item (xii) and item (xiii)) and the items of Article 15, paragraph (2)" in Article 17, item (ii) is deemed to be replaced with "the operations listed in

the items of Article 15, paragraph (1) (excluding item (xii) and item (xiii)), the items of Article 15, paragraph (2), and the transitional operations related to promoting specific business activities as prescribed in Article 15, paragraph (1) of the Supplementary Provisions"; the phrase "each account for the operations listed in Article 17, item (i), item (ii), and item (iv)" in Article 19, paragraph (1) is deemed to be replaced with "each account for the operations listed in Article 17, item (i), item (ii), and item (iv), and the account for transitional operations related to promoting specific business activities as prescribed in Article 15, paragraph (2) of the Supplementary Provisions"; the phrase "the operations prescribed in Article 15" in Article 19, paragraph (1) is deemed to be replaced with "the operations prescribed in Article 15 and transitional operations related to promoting specific business activities as prescribed in Article 15, paragraph (1) of the Supplementary Provisions"; and the phrase "those prescribed in Article 15" in Article 27, item (i) is deemed to be replaced with "those prescribed in Article 15 and transitional operations related to promoting specific business activities as prescribed in Article 15, paragraph (1) of the Supplementary Provisions."

(Discontinuance of the Account for Transitional Operations Related to Promoting Specific Business Activities)

Article 16 (1) When transitional operations related to promoting specific business activities have been completed, NEDO is to discontinue the account for transitional operations related to promoting specific business activities, and if after repaying all debts, there are any residual assets in the account for transitional operations related to promoting specific business activities upon the discontinuance, NEDO must pay the amount of residual assets to the national treasury.

(2) When NEDO has discontinued the account for transitional operations related to promoting specific business activities pursuant to the provisions of the preceding paragraph, it is to decrease its stated capital by the amount of the stated capital belonging to the account for transitional operations related to promoting specific business activities at the time of the account's discontinuance.

(Transitional Measures Concerning the Investment of Surplus Funds)

Article 17 When NEDO has succeeded to the rights and obligations of the Industrial Infrastructure Development Fund pursuant to the provisions of Article 4, paragraph (1) of the Supplementary Provisions of the Act to Repeal the Small and Medium Sized Enterprise Corporation Act and the Machinery Credit Insurance Act, it may keep on deposit the amount of money that had already been deposited with the Fiscal Loan Fund at the time of the succession,

as surplus funds for its operations involving the Fiscal Loan Fund, up until the expiration of the contractual deposit period for the deposits with the Fiscal Loan Fund, notwithstanding the provisions of Article 47 of the Act on General Rules.

(Transitional Operations Related to Alternative Energy)

- Article 18 (1) In addition to the operations prescribed in Article 15, until otherwise provided for by law, NEDO may perform the operations listed in Article 11, item (i) of the Act on the Promotion of the Development and Introduction of Alternative Energy prior to its amendment by the Act for Partial Revision of the Act on the Promotion of the Development and Introduction of Alternative Energy, etc. (Act No. 70 of 2009; hereinafter referred to as the "Amendment Act"), and may perform other operations incidental thereto (limited to operations related to subsidies granted by NEDO pursuant to the provisions of the item prior to the enforcement of the Amendment Act; hereinafter referred to as the "transitional operations related to alternative energy").
- (2) When NEDO performs transitional operations related to alternative energy pursuant to the provisions of the preceding paragraph, the phrase "the operations listed in the items of Article 15, paragraph (1) (excluding item (i), (b) and (d), item (iv), item (v) (limited to operations pertaining to technology listed in item (i), (d)), item (vi), (b), item (vii), and items (xii) through (xiv))" in Article 17, item (i) is deemed to be replaced with "the operations listed in the items of Article 15, paragraph (1) (excluding item (i), (b) and (d), item (iv), item (v) (limited to operations pertaining to technology listed in item (i), (d)), item (vi), (b), item (vii), and items (xii) through (xiv)), and transitional operations related to alternative energy as prescribed in Article 18, paragraph (1) of the Supplementary Provisions"; the phrase "the operations listed in the items of Article 15, paragraph (1) (excluding item (xii) and item (xiii)) and the items of Article 15, paragraph (2)" in Article 17, item (ii) is deemed to be replaced with "the operations listed in the items of Article 15, paragraph (1) (excluding item (xii) and item (xiii)), the items of Article 15, paragraph (2), and transitional operations related to alternative energy as prescribed in Article 18, paragraph (1) of the Supplementary Provisions"; the phrase "subsidies granted by NEDO" in Article 18 is deemed to be replaced with "subsidies granted by NEDO, and subsidies granted by NEDO pursuant to the provisions of Article 11, item (i) of the Act on the Promotion of the Development and Introduction of Alternative Energy prior to its amendment by the Act for the Partial Revision of the Act on the Promotion of the Development and Introduction of Alternative Energy, etc. (Act No. 70 of 2009) prior to the implementation of that Act"; the phrase "the operations prescribed in Article 15" in Article 19, paragraph (1) is deemed to be

replaced with "the operations prescribed in Article 15 and transitional operations related to alternative energy as prescribed in Article 18, paragraph (1) of the Supplementary Provisions"; and the phrase "those prescribed in Article 15" in Article 27, item (i) is deemed to be replaced with "those prescribed in Article 15 and transitional operations related to alternative energy as prescribed in Article 18, paragraph (1) of the Supplementary Provisions."

Supplementary Provisions [Act No. 37 of May 9, 2003] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2003; provided, however, that the provisions listed in the following items come into effect as of the day or the time specified in the relevant item:

- (i) the provisions for amending Article 2 of the Supplementary Provisions of the Act on Temporary Measures to Promote Business Activities for the Rational Use of Energy and the Utilization of Recycled Resources (hereinafter referred to as the "Specific Business Activities Promotion Act") and the provisions of Article 3 of the Supplementary Provisions; and in Article 6 of the Supplementary Provisions, the provisions for revising Article 32 of the Supplementary Provisions of the Act on the New Energy and Industrial Technology Development Organization (Act No. 145 of 2002) and the provisions of Article 8 and Article 9 of the Supplementary Provisions in Article 1: the date of promulgation; and
- (ii) the provisions of Article 7 of the Supplementary Provisions: the time of establishment of the Organization for Small & Medium Sized Enterprises and Regional Innovation, JAPAN, Independent Administrative Agency.

Supplementary Provisions [Act No. 38 of May 9, 2003] [Extract]

(Effective Date)

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

Supplementary Provisions [Act No. 35 of April 21, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day or the time specified in the following items in accordance with the category listed in the relevant item:

- (ii) provisions other than the provisions listed in the preceding item: the time of establishment of the Organization for Small & Medium Sized Enterprises and Regional Innovation, JAPAN, Independent Administrative Agency

(hereinafter referred to as "SMRJ").

Supplementary Provisions [Act No. 124 of June 18, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date on which the New Real Property Registration Act comes into effect.

(Transitional Measures)

Article 2 If the date on which this Act comes into effect falls after the date on which the Act on the Protection of Personal Information Held by Administrative Organs comes into effect, the term "Article 114-3" in the provisions of Article 52 for amending Article 114-3 and Articles 117 through 119 of the Commercial Registration Act is deemed to be replaced with "Article 114-4."

Supplementary Provisions [Act No. 130 of June 23, 2004] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2004; provided, however, that the provisions listed in the following items comes into effect as of the day specified in the relevant item:

(ii) The provisions of Article 2, Article 7, Article 10, Article 13, and Article 18, and the provisions of Articles 9 through 15, Articles 28 through 36, Articles 38 through 76-2, Article 79, and Article 81 of the Supplementary Provisions: April 1, 2005.

Supplementary Provisions [Act No. 32 of April 20, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Article 17, Article 19, Article 20, Article 21 (excluding the provisions for amending Article 5 of the Supplementary Provisions of the Act on the New Energy and Industrial Technology Development Organization (Act No. 145 of 2002)), Article 22, and Article 23 of the Supplementary Provisions come into effect as of April 1, 2006, and the provisions for amending Article 5 of the Supplementary Provisions of the Act on the New Energy and Industrial Technology Development Organization come into effect as of March 31, 2007.

(Transitional Measures Concerning the Application of the Act on Access to

Information Held by Incorporated Administrative Agencies, etc.)

- Article 22 (1) With regard to acts conducted by NEDO or acts conducted against NEDO based on the provisions of the Act on Access to Information Held by Incorporated Administrative Agencies, etc. (Act No. 140 of 2001) prior to the implementation of the provisions of Article 19 of the Supplementary Provisions (limited to acts concerning the rights and obligations that a company is to succeed to pursuant to the provisions of Article 13 of the Supplementary Provisions), the company is deemed to be an independent administrative agency, etc. as prescribed in Article 2, paragraph (1) of that Act.
- (2) With regard to acts conducted by NEDO or acts conducted against NEDO based on the provisions of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. (Act No. 59 of 2003) prior to the implementation of the provisions of Article 19 of the Supplementary Provisions (limited to acts concerning the rights and obligations that a company is to succeed to pursuant to the provisions of Article 13 of the Supplementary Provisions), the company is deemed to be an independent administrative agency, etc. as prescribed in Article 2, paragraph (1) of that Act.

Supplementary Provisions [Act No. 34 of April 28, 2006] [Extract]

(Effective Date)

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

(Transitional Measures Concerning Penal Provisions)

- (2) With regard to the application of penal provisions to acts conducted prior to the implementation of this Act, the provisions then in force remain applicable.

Supplementary Provisions [Act No. 23 of March 31, 2007] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2007, and apply to the budget for fiscal year 2007 and thereafter; provided, however, that the provisions listed in the following items come into effect as of the day specified in the relevant item, and the provisions of Article 2, paragraph (1), item (iv), item (xvi), and item (xvii), Chapter II, Section 4, Section 16, and Section 17, and the provisions of Articles 49 through 65 of the Supplementary Provisions apply to the budget for fiscal year 2008 and thereafter:

- (i) the provisions of Article 266, Article 268, Article 273, Article 276, Article 279, Article 284, Article 286, Article 288, Article 289, Article 291, Article 292, Article 295, Article 298, Article 299, Article 302, Article 317, Article 322,

Article 324, Article 328, Article 343, Article 345, Article 347, Article 349, Article 352, Article 353, Article 359, Article 360, Article 362, Article 365, Article 368, Article 369, Article 380, Article 383, and Article 386 of the Supplementary Provisions: April 1, 2008.

(Transitional Measures Concerning Penal Provisions)

Article 391 With regard to the application of penal provisions to acts conducted prior to the implementation of this Act and to acts conducted after the implementation of this Act when the provisions then in force are to remain applicable pursuant to the provisions of these Supplementary Provisions, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 392 Beyond what is provided for in Articles 2 through 65, Articles 67 through 259, and Articles 382 through the preceding Article of the Supplementary Provisions, other transitional measures necessary for the implementation of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 36 of May 11, 2007] [Extract]

(Effective Date)

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

(Transitional Measures Concerning the Application of Penal Provisions)

Article 7 With regard to the application of penal provisions to acts conducted prior to the implementation of this Act, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

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

Supplementary Provisions [Act No. 70 of July 8, 2009] [Extract]

(Effective Date)

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

(Transitional Measures Concerning the Application of Penal Provisions)

Article 3 With regard to the application of penal provisions to acts conducted prior to the implementation of this Act, the provisions then in force remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

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

(Review)

Article 5 When five years have elapsed from the implementation of this Act, the government is to review the implementation status of the provisions of the Act on the Development and Introduction of Non-Fossil Energy, the Small and Medium-sized Enterprise Credit Insurance Act, and the Act on the New Energy and Industrial Technology Development Organization after amended by this Act, and take measures as required based on the results of the review when the government finds it necessary

(Adjustment Provisions)

Article 10 (1) If the date on which this Act comes into effect falls before the date on which the Act on the Rearrangement of Relevant Acts Upon Enforcement of the Act for the Partial Revision of the Act on General Rules for Incorporated Administrative Agencies (Act No. of 2009) comes into effect, the phrase "in Article 15, paragraph (3) of the Supplementary Provisions" in the provisions for amending Article 15, paragraph (3) of the Act on the New Energy and Industrial Technology Development Organization in Article 3 is deemed to be replaced with "in Article 14, paragraph (2) and Article 15, paragraph (3) of the Supplementary Provisions"; and the phrase "promotion of the utilization of combustible natural gas and coal, or" in the provisions for amending Article 85, paragraph (3), item (i), (a) of the Act on Special Accounts in the preceding Article is deemed to be replaced with "promotion of the utilization of combustible natural gas and coal or."

(2) In the case referred to in the preceding paragraph, in Article 25 of the Act on the Rearrangement of Relevant Acts Upon Enforcement of the Act for the Partial Revision of the Act on General Rules for Incorporated Administrative Agencies, the phrase "the phrase 'or non-fossil energy' is replaced with 'or non-fossil energy' and the phrase 'or the operations listed in Article 10, item (i) of the Act on Temporary Measures to Promote Business Activities for the Rational Use of Energy and the Effective Utilization of Resources (Act No. 18 of 1993) (limited to operations related to specific business activities as listed in Article 2, paragraph (7), items (i) through (iv) of the that Act or to the

installment or improvement of specific equipment as listed in paragraph (8), item (i) or item (ii) of the same Article)' is deleted" in the provisions for revising Article 85, paragraph (3), item (i), (a) of the Act on Special Accounts is deemed to be replaced with "the phrase 'or the operations listed in Article 10, item (i) of the Act on Temporary Measures to Promote Business Activities for the Rational Use of Energy and the Effective Utilization of Resources (Act No. 18 of 1993) (limited to operations related to the specific business activities listed in Article 2, paragraph (7), items (i) through (iv) of that Act or to the installment or improvement of specific equipment as listed in paragraph (8), item (i) or item (ii) of the same Article)' is deleted."