

# Gas Business Act

(Act No. 51 of March 31, 1954)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the interests of gas users and achieve the sound development of Gas Businesses by coordinating the

operation of Gas Businesses, and to ensure public safety and prevent pollution by regulating the construction, maintenance and operation of Gas Facilities as well as the manufacture and sale of Gas Equipment.

(Definitions)

- Article 2 (1) The term "General Gas Utility Business" as used in this Act shall mean the business of supplying gas via pipelines to meet general demand (excluding, however, businesses generating gas at a gas generating facility prescribed in paragraph 3 and supplying such gas via pipelines).
- (2) The term "General Gas Utility" as used in this Act shall mean the person who has obtained a license under the next Article.
- (3) The term "Community Gas Utility Business" as used in this Act shall mean the business of generating gas at a simplified gas generating facility specified by a Cabinet Order (hereinafter referred to as a "Specified Gas Generating Facility") and supplying such gas via pipelines to meet general demand at not less than 70 gas service points within one (1) housing complex.
- (4) The term "Community Gas Utility" as used in this Act shall mean the person who has obtained a license under Article 37-2.
- (5) The term "Gas Pipeline Service Business" as used in this Act shall mean the business of supplying gas via Specified Pipes (which means pipelines with a supply capacity larger than the level specified by an Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same shall apply) that the supplier independently maintains and operates (limited, however, to the supplying of gas to another person who is engaged in the gas supply business and to Large-Volume Supplies; excluding, however, businesses generating gas at a Specified Gas Generating Facility and supplying such gas via pipelines and businesses conducted by a General Gas Utility within its service area).
- (6) The term "Gas Pipeline Service Provider" as used in this Act shall mean the person who has given a notification pursuant to Article 37-7-2, paragraph 1.
- (7) The term "Large-Volume Supply" as used in this Act shall mean the supply of gas via pipelines to meet a certain volume of demand from gas users, which satisfies the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry (excluding, however, a supply of gas to a person having a close association with the supplier as specified by an Ordinance of the Ministry of Economy, Trade and Industry).
- (8) The term "Large-Volume Gas Business" as used in this Act shall mean the business of providing a Large-Volume Supply (excluding, however, businesses generating gas at a Specified Gas Generating Facility and supplying such gas via pipelines, businesses conducted by a General Gas Utility within its service area and Gas Pipeline Service Businesses).
- (9) The term "Large-Volume Gas Supplier" as used in this Act shall mean the

person who provides a Large-Volume Supply by giving a notification pursuant to Article 37-9, paragraph 1.

- (10) The term "Gas Business" as used in this Act shall mean a General Gas Utility Business, Community Gas Utility Business, Gas Pipeline Service Business or Large-Volume Gas Business.
- (11) The term "Gas Supplier" as used in this Act shall mean a General Gas Utility, Community Gas Utility, Gas Pipeline Service Provider or Large-Volume Gas Supplier.
- (12) The term "Transportation Service" as used in this Act shall mean the service pursuant to which a Gas Supplier receives, via pipelines, gas from another person engaged in the gas supply business and simultaneously supplies, in proportion to fluctuations in the quantity of gas used for the gas supply business conducted by said other person within the range specified by an Ordinance of the Ministry of Economy, Trade and Industry, such other person with gas at a point other than where the Gas Supplier received such gas.
- (13) The term "Gas Facilities" as used in this Act shall mean gas generating facilities, gas holders, gas purification plants, exhausters, feeding compressors, governors, pipelines, electric power receiving facilities and other facilities installed for the purpose of supplying gas as well as auxiliary facilities thereof, which are used for a Gas Business.
- (14) Where a General Gas Utility conducts a Community Gas Utility Business within its service area, such Community Gas Utility Business shall be deemed to be a General Gas Utility Business.

## **Chapter II General Gas Utility Business**

### **Section 1 Business License**

(Business License)

Article 3 A person who intends to conduct a General Gas Utility Business shall obtain a license from the Minister of Economy, Trade and Industry.

(Application for License)

Article 4 (1) A person who intends to obtain a license under the preceding Article shall submit a written application to the Minister of Economy, Trade and Industry, stating:

- (i) The name and address of the applicant, as well as the name of the representative if the applicant is a juridical person.
- (ii) The service area, as well as the service points and the number thereof for each Service Block (which means an aggregate of gas service points pertaining to a Specified Gas Generating Facility located within one (1) housing complex; hereinafter the same shall apply).

- (iii) The following matters concerning Gas Facilities.
  - (a) Regarding gas generating facilities and gas holders, the site where they are to be installed, the type and the number of them by capacity.
  - (b) Regarding pipelines specified by an Ordinance of the Ministry of Economy, Trade and Industry, the site where they are to be installed, the inside diameter and the gas pressure within the pipelines.
- (2) The written application set forth in the preceding paragraph shall be accompanied by drawings of the service area and the service points and other documents specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Standards for License)

Article 5 The Minister of Economy, Trade and Industry shall not grant a license under Article 3 unless he/she finds that the application for the license under the said paragraph conforms to the following items.

- (i) The commencement of the General Gas Utility Business corresponds to general demand.
- (ii) The Gas Facilities for the General Gas Utility Business are capable of meeting gas demand in the service area or at the service points.
- (iii) The commencement of the General Gas Utility Business will not result in the existence of an excessive number of Gas Facilities within the whole or part of the service area or at the service point.
- (iv) The applicant has sufficient financial basis and technical capability to perform the General Gas Utility Business properly.
- (v) The General Gas Utility Business's plan can be reliably implemented.
- (vi) Where the General Gas Utility Business uses a Specified Gas Generating Facility, it is expected that gas will be supplied smoothly by using the Specified Gas Generating Facility, and a reliable plan is prepared for the purpose of supplying gas promptly at the service points by using other Gas Facilities instead of the Specified Gas Generating Facility.
- (vii) The commencement of the General Gas Utility Business is necessary and appropriate in light of public interest.

(License Certificate)

- Article 6 (1) The Minister of Economy, Trade and Industry shall, when having granted a license under Article 3, issue a license certificate.
- (2) The license certificate shall state:
- (i) The date of grant of the license and the license number.
  - (ii) The name and address of the licensee.
  - (iii) The service area as well as the service points and the number thereof for each Service Block.

(iv) The following matters concerning Gas Facilities.

(a) Regarding gas generating facilities and gas holders, the site where they are to be installed, the type and the number of them by capacity.

(b) Regarding pipelines specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 4, paragraph 1, item 3, the site where they are to be installed, the inside diameter and the gas pressure within the pipelines.

(Obligation to Commence Business)

Article 7 (1) A General Gas Utility shall commence its business within the period designated by the Minister of Economy, Trade and Industry, but not to exceed three years (or if it is determined that a particularly long period of time will be required to commence the business as a result of the implementation of a New Housing and Urban Development Project under the New Housing and Urban Development Act (Act No. 134 of 1963), then within the period designated by an Ordinance of the Ministry of Economy, Trade and Industry).

(2) The Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary, designate the period set forth in the preceding paragraph by category of service area or service point.

(3) Where the Minister of Economy, Trade and Industry has received an application from a General Gas Utility, he/she may, when finding justifiable grounds, extend the period designated under paragraph 1.

(4) A General Gas Utility shall, when having commenced its business, notify the Minister of Economy, Trade and Industry to that effect without delay.

(Change of Service Area, etc.)

Article 8 (1) A General Gas Utility shall, when intending to change the matters listed in Article 6, paragraph 2, item 3, obtain permission from the Minister of Economy, Trade and Industry.

(2) The provision of Article 5 shall apply mutatis mutandis to the permission set forth in the preceding paragraph.

(3) The provision of the preceding Article shall apply mutatis mutandis to the case referred to in paragraph 1 (excluding, however, the cases of reducing the service area or the number of service points).

(Changes of Gas Facilities, etc.)

Article 9 (1) A General Gas Utility shall, when intending to make a material change specified by an Ordinance of the Ministry of Economy, Trade and Industry with respect to the matters listed in Article 6, paragraph 2, item 4, notify the Minister of Economy, Trade and Industry of the change.

(2) Where there has been a change to the matters listed in Article 6, paragraph 2,

item 2 or the matters listed in item 4 of the said paragraph (excluding, however, those prescribed in the preceding paragraph), a General Gas Utility shall notify the Minister of Economy, Trade and Industry to that effect without delay.

- (3) A General Gas Utility that has given a notification pursuant to paragraph 1 shall not make the change to which such notification pertained until 20 days have elapsed from the day when the notification was received.
- (4) The Minister of Economy, Trade and Industry may, when he/she finds that the content of the notification given under paragraph 1 is unlikely to hinder the proper performance of the General Gas Utility Business by the General Gas Utility that has given the notification, shorten the period prescribed in the preceding paragraph.
- (5) When the Minister of Economy, Trade and Industry finds that the content of the notification given under paragraph 1 is likely to hinder the proper performance of the General Gas Utility Business by the General Gas Utility that has given the notification, he/she may, within 20 days from the day when the notification was received, order the General Gas Utility to change the content of the notification or suspend its performance of the General Gas Business to which such notification pertained.

(Assignment and Acceptance of Business, and Merger and Demerger of Juridical Person)

- Article 10 (1) An assignment and acceptance of the whole or a part of a General Gas Utility Business shall not be effective unless approved by the Minister of Economy, Trade and Industry.
- (2) A merger and demerger of a juridical person acting as a General Gas Utility (limited, however, to those resulting in the taking over of the whole or a part of a General Gas Utility Business) shall not be effective unless approved by the Minister of Economy, Trade and Industry.
  - (3) The provisions of Article 5 shall apply mutatis mutandis to the approval set forth in the preceding two paragraphs.

(Succession)

- Article 11 (1) In the event of an assignment of the whole of a General Gas Utility Business, or inheritance, merger or demerger of a General Gas Utility (limited, however, to those resulting in the taking over of the whole of the General Gas Utility Business), the assignee of the whole of the General Gas Utility Business, the heir, the juridical person surviving after the merger or the juridical person newly established upon the merger, or the juridical person who has taken over the whole of the General Gas Utility Business upon the demerger shall succeed to the status of the General Gas Utility.

- (2) The heir who has succeeded to the status of a General Gas Utility pursuant to the preceding paragraph shall notify the Minister of Economy, Trade and Industry to that effect without delay.

#### Article 12 Deleted

(Suspension and Abolition of Business, and Dissolution of Juridical Person)

Article 13 (1) A General Gas Utility shall not suspend or abolish the whole or a part of the General Gas Utility Business without obtaining permission from the Minister of Economy, Trade and Industry.

(2) A resolution for the dissolution of a juridical person acting as a General Gas Utility or a consent thereto by all its members shall not be effective unless approved by the Minister of Economy, Trade and Industry.

(3) The Minister of Economy, Trade and Industry shall not grant permission under paragraph 1 or approval under the preceding paragraph unless he/she finds that there is no risk of harm to the public interest as a result of the suspension or abolition of the General Gas Utility Business nor dissolution of the juridical person.

(Rescission of Business License, etc.)

Article 14 (1) Where an General Gas Utility does not commence its business within the period designated under Article 7, paragraph 1 (or, if the period has been extended under paragraph 3 of the said Article, the extended period; hereinafter the same shall apply), the Minister of Economy, Trade and Industry may rescind the license granted under Article 3.

(2) In addition to the case prescribed in the preceding paragraph, where a General Gas Utility has violated this Act or any order issued under this Act or any disposition made thereunder, the Minister of Economy, Trade and Industry may, when he/she finds such violation harmful to the public interest, rescind the license granted under Article 3.

(3) The Minister of Economy, Trade and Industry shall, when having rescinded the license pursuant to any of the preceding two paragraphs, provide a written explanation of the reasons for the rescission to the General Gas Utility.

Article 15 (1) Where a General Gas Utility that has obtained permission under Article 8, paragraph 1 for a change to the matters listed in Article 6, paragraph 2, item 3 does not commence its business within the period designated under Article 7, paragraph 1 as applied mutatis mutandis pursuant to Article 8, paragraph 3, in the new service area or at the new service point, the Minister of Economy, Trade and Industry may rescind that permission.

(2) Where a General Gas Utility does not conduct the General Gas Utility

Business in part of its service area or at any of its service points, the Minister of Economy, Trade and Industry may, when he/she finds it harmful to the public interest, reduce the service area by that part or reduce the number of service points.

- (3) The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis to the preceding two paragraphs.

## **Section 2 Services1**

(Obligation to Supply)

Article 16 (1) A General Gas Utility shall not refuse to supply gas to meet general demand in its service area or at its service point without justifiable grounds.

- (2) A General Gas Utility shall not supply gas via pipelines to meet general demand in any area other than its service area nor at any point other than the service points in its service area, except when the General Gas Utility, having obtained a license/permission or registration or given a notification under this Act or other Acts, supplies gas in a manner for which the license/permission or registration has been granted or of which the notification has been given.

(General Supply Provisions, etc.)

Article 17 (1) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, formulate general supply provisions to set rates and other supply conditions for gas supply, and obtain approval of the provisions from the Minister of Economy, Trade and Industry. The same shall apply when a General Gas Utility intends to revise the provisions.

- (2) The Minister of Economy, Trade and Industry shall, when he/she finds that the application for the approval under the preceding paragraph conforms to the following items, grant approval under the said paragraph.

(i) The rates consist of fair costs incurred as a result of efficient management and fair profits.

(ii) The rates are clearly set as fixed rates or fixed amounts.

(iii) The responsibilities of the General Gas Utility and gas users, as well as the method of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly.

(iv) Certain persons are not treated in an unfair and discriminatory manner.

- (3) Notwithstanding the provision of the second sentence of paragraph 1, in the cases specified by an Ordinance of the Ministry of Economy, Trade and Industry where the rates will be lowered or there will be no risk of harm to the interests of gas users, a General Gas Utility may revise the rates and/or other

supply conditions set under general supply provisions that has been approved under paragraph 1 (or, if notification of revision has been given pursuant to the next paragraph, the revised provisions; hereinafter the same shall apply in this Article).

- (4) A General Gas Utility shall, when having revised the rates and/or other supply conditions pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry of the revised general supply provisions pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.
- (5) The Minister of Economy, Trade and Industry may, when he/she finds that the general supply provisions to which the notification of revision given under the preceding paragraph pertained fails to fall under any of the following items, order the General Gas Utility to revise the general supply provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.
  - (i) The rates are clearly set as fixed rates or fixed amounts.
  - (ii) The responsibilities of the General Gas Utility and gas users, as well as the method of sharing expenses between them for pipelines, gas meters and other facilities, are provided for appropriately and clearly.
  - (iii) Certain persons are not treated in an unfair and discriminatory manner.
- (6) A General Gas Utility may, where it is expected to contribute to the efficient use of the facilities for its General Gas Utility Business or the efficient management of its business generally, formulate provisions to set supply conditions that differ from such rates and other supply conditions necessary to apply the rates set out in general supply provisions approved under paragraph 1, and make it available to gas users as an alternative to the general supply provisions.
- (7) A General Gas Utility shall, when having formulated provisions pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry of the provisions (hereinafter referred to as "Optional Supply Provisions") pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply where a General Gas Utility has revised the provisions.
- (8) The Minister of Economy, Trade and Industry may, when he/she finds that the Optional Supply Provisions to which the notification given under the preceding paragraph pertained fails to fall under any of the following items, order the General Gas Utility to revise the Optional Supply Provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.
  - (i) The Optional Supply Provisions contributes to the efficient use of the facilities for the General Gas Utility Business by the General Gas Utility or the efficient management of the business.
  - (ii) There is no risk of harm to the interests of recipients of gas supply under

- general supply provisions approved under paragraph 1.
- (iii) The rates are clearly set as fixed rates or fixed amounts.
  - (iv) Certain persons are not treated in an unfair and discriminatory manner.

(Order and Disposition on General Supply Provisions, etc.)

Article 18 (1) The Minister of Economy, Trade and Industry may, when he/she finds that the gas rates and/or other supply conditions have become significantly inappropriate as a result of changes in social and economic circumstances to the extent that they hinder the promotion of public interest, order the General Gas Utility to apply for approval to revise the general supply provisions approved under paragraph 1 of the preceding Article (or, if notification of revision has been given pursuant to paragraph 4 of the said Article, the revised general supply provisions; if revision has been made pursuant to the next paragraph, the revised general supply provisions), within a reasonable time limit set by the Minister of Economy, Trade and Industry.

(2) Where the Minister of Economy, Trade and Industry has issued an order pursuant to the preceding paragraph, he/she may, if no application for approval has been filed within the time limit set forth in the said paragraph, revise the general supply provisions.

(Obligation to Publicize General Supply Provisions, etc.)

Article 19 A General Gas Utility shall, when having obtained approval of general supply provisions pursuant to Article 17, paragraph 1, given a notification of revision of general supply provisions pursuant to paragraph 4 of the said Article, revised general supply provisions pursuant to paragraph 2 of the preceding Article, or given a notification of Optional Supply Provisions pursuant to Article 17, paragraph 7, display the general supply provisions or Optional Supply Provisions at a place accessible to the public in its business office or other office or other workplace from 10 days prior to the implementation of the provisions.

(Obligation to Supply Gas under General Supply Provisions, etc.)

Article 20 A General Gas Utility shall not supply gas to meet general demand in its service area under supply conditions other than those set out in general supply provisions approved under Article 17, paragraph 1 (or, if notification of revision has been given pursuant to paragraph 4 of the said Article, the revised general supply provisions; if revision has been made pursuant to Article 18, paragraph 2, the revised general supply provisions) or those set out in Optional Supply Provisions for which notification was given pursuant to Article 17, paragraph 7; provided, however, that this shall not apply when a General Gas Utility has reached an agreement on a Large-Volume Supply with the recipient

of gas supply, or has obtained approval from the Minister of Economy, Trade and Industry because of special circumstances.

(Obligation to Measure Calorific Value, etc.)

Article 21 A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, measure the calorific value, pressure and combustibility of the gas that the General Gas Utility supplies, record the values measured, and preserve such records.

(Transportation Service)

Article 22 (1) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, formulate Transportation Service provisions to set rates and other supply conditions for a Transportation Service and notify the Minister of Economy, Trade and Industry of the provisions pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply where the Minister of Economy, Trade and Industry has granted approval based on the recognition that it is not necessary to formulate Transportation Service provisions in light of the possibility of the General Gas Utility receiving any application for a Transportation Service or other circumstances.

- (2) The provision of the main clause of the preceding paragraph shall apply mutatis mutandis when a General Gas Utility intends to revise the Transportation Service provisions for which notification was given pursuant to the main clause of the said paragraph.
- (3) A General Gas Utility (excluding, however, those that have obtained approval under the proviso of paragraph 1 (hereinafter referred to as an "Approved General Gas Utility"); hereinafter the same shall apply in this Article) shall not provide a Transportation Service at rates and other supply conditions other than those set out in the Transportation Service provisions for which notification was given pursuant to the main clause of the said paragraph (including the cases where it is applied mutatis mutandis pursuant to the preceding paragraph); provided, however, that this shall not apply when the Minister of Economy, Trade and Industry has granted approval in the case where there are special circumstances that make it difficult to provide the Transportation Service under the Transportation Service provisions.
- (4) The Minister of Economy, Trade and Industry may, when he/she finds that the Transportation Service provisions to which the notification given under the main clause of paragraph 1 pertained (including the cases where it is applied mutatis mutandis pursuant to paragraph 2; hereinafter the same shall apply in this Article) fails to fall under any of the following items, order the General

Gas Utility to revise the Transportation Service provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.

(i) Certain persons are not treated in an unfair and discriminatory manner.

(ii) It is unlikely that the recipients of gas supply under the Transportation Service provisions to which the notification given under the main clause of paragraph 1 pertained would experience any difficulty in receiving the Transportation Service.

(5) A General Gas Utility shall, when having given a notification pursuant to the main clause of paragraph 1, publicize the Transportation Service provisions pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(6) Where a General Gas Utility has refused to provide a Transportation Service without justifiable grounds, the Minister of Economy, Trade and Industry may order the General Gas Industry to provide a Transportation Service.

Article 22-2 (1) An Approved General Gas Utility shall, when intending to provide a Transportation Service, notify the Minister of Economy, Trade and Industry of the rates and other supply conditions for its Transportation Service pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply where an Approved General Gas Utility intends to revise the rates and/or other conditions.

(2) An Approved General Gas Utility shall not provide a Transportation Service at rates and other supply conditions other than those for which notification was given pursuant to the preceding paragraph.

(3) The Minister of Economy, Trade and Industry may, when he/she finds that the rates and/or other supply conditions to which the notification given under paragraph 1 pertained fail to fall under any of the following items, order the Approved General Gas Utility that has given the notification to revise the rates and/or supply conditions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.

(i) Certain persons are not treated in an unfair and discriminatory manner

(ii) It is unlikely that the recipients of gas supply under the rates and other supply conditions to which the notification given under paragraph 1 pertained would experience any difficulty in receiving the Transportation Service.

(4) Where an Approved General Gas Utility that has given a notification pursuant to paragraph 1 has refused to provide the Transportation Service to which the notification pertained without justifiable grounds, the Minister of Economy, Trade and Industry may order the Approved General Gas Utility to provide the Transportation Service.

(5) Where, with respect to a Transportation Service, the Approved General Gas

Utility and the person who is to receive the Transportation Service from the Approved General Gas Utility have failed to consult or reach an agreement through consultation, the Minister of Economy, Trade and Industry may, when he/she finds that there is a risk of harm to the interests of gas users pertaining to the Transportation Service, order the Approved General Gas Utility and the person who is to receive the Transportation Service from the Approved General Gas Utility to conclude an agreement for a Transportation Service with each other, giving instructions on rates and other supply conditions.

- (6) Where an order has been issued pursuant to the preceding paragraph, the Approved General Gas Utility that has received the order shall be deemed to have given notification under paragraph 1 of the rates and other supply conditions as instructed under the said paragraph.

(Accounting concerning Transportation Service and Other Services, etc.)

Article 22-3 (1) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, keep accounts concerning a Transportation Service and other related services.

- (2) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, publicize the results of the accounting set forth in the preceding paragraph.

(Prohibited Acts in Transportation Service, etc.)

Article 22-4 (1) A General Gas Utility shall not conduct any of the following acts.

- (i) Use by itself or provide another person with information concerning other persons who supply gas (hereinafter referred to as "Gas Suppliers" in the next item) and gas users, which the General Gas Utility has become aware of in the course of providing a Transportation Service, for purposes other than using it for that service.
- (ii) In the course of providing a Transportation Service, apply unreasonable preferential treatment or give benefit or apply unreasonable disadvantageous treatment or cause disadvantages to any particular Gas Supplier.
- (2) The Minister of Economy, Trade and Industry may, when he/she finds that a General Gas Utility has committed an act in violation of the preceding paragraph, order that General Gas Utility to discontinue or correct that act.

(Gas Supply outside Service Area)

Article 22-5 (1) A General Gas Utility shall, when intending to conduct a Gas Pipeline Service Business in an area other than its service area, notify the Minister of Economy, Trade and Industry, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, of the site where

the Specified Pipes for the business are to be installed, the inside diameter, and the gas pressure within the Specified Pipes.

- (2) The notification given under the preceding paragraph shall be accompanied by documents specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) A General Gas Utility that has given a notification under paragraph 1 shall not use the Specified Pipes to which the notification pertained for the Gas Pipeline Service Business until 30 days have elapsed from the day when the notification was received, if the Specified Pipes are to be installed in the service area of another General Gas Utility.
- (4) When the Minister of Economy, Trade and Industry finds, in the case referred to in the preceding paragraph, that the use of the Specified Pipes to which the notification given under paragraph 1 pertained for the Gas Pipeline Service Business is unlikely to harm the interests of gas users in the service area of the other General Gas Utility prescribed in the preceding paragraph, he/she may shorten the period prescribed in the said paragraph.
- (5) When the Minister of Economy, Trade and Industry finds, in the case referred to in paragraph 3, that the use of the Specified Pipes to which the notification given under paragraph 1 pertained for the Gas Pipeline Service Business is likely to harm the interests of gas users in the service area of the other General Gas Utility prescribed in paragraph 3, he/she may, within 30 days from the day when the notification was received (or, if the period prescribed in paragraph 3 has been extended pursuant to the next paragraph, the extended period), order the General Gas Utility that has given the notification to change the content of the notification or suspend its use of the Specified Pipes to which such notification pertained.
- (6) When the Minister of Economy, Trade and Industry has, in the case referred in paragraph 3, reasonable grounds for believing that it will take a considerable period of time to examine whether or not the use of the Specified Pipes to which the notification given under paragraph 1 pertained for the Gas Pipeline Service Business is likely to harm the interests of gas users in the service area of the other General Gas Utility prescribed in paragraph 3 and that such examination will not be completed within the period prescribed in the said paragraph, he/she may extend the period set forth in the said paragraph by up to 30 days. In this case, the Minister of Economy, Trade and Industry shall notify the General Gas Utility that has given the notification of the extended period and the reason for extension without delay.
- (7) A General Gas Utility shall, when intending to change the matters to which the notification given under paragraph 1 pertained, notify the Minister of Economy, Trade and Industry to that effect.
- (8) The provisions of paragraphs 2 to 6 shall apply mutatis mutandis to the

notification set forth in the preceding paragraph. In this case, the phrase "shall not use the Specified Pipes to which the notification pertained for the Gas Pipeline Service Business" in paragraph 3 shall be deemed to be replaced with "shall not make the change; provided, however, that this shall not apply to any minor change specified by an Ordinance of the Ministry of Economy, Trade and Industry," and the phrase "the use of the Specified Pipes to which the notification given under paragraph 1 pertained for the Gas Pipeline Service Business" in paragraphs 4 to 6 shall be deemed to be replaced with "the change to which the notification given under paragraph 1 pertained."

Article 23 (1) A General Gas Utility shall, when intending to provide a Large-Volume Supply in an area other than its service area (excluding, however, the cases where a General Gas Utility intends to generate gas at a Specified Gas Generating Facility and supply such gas via pipelines), notify the Minister of Economy, Trade and Industry of the recipient of the gas supply and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(2) A General Gas Utility that has given a notification under the preceding paragraph shall not provide the Large-Volume Supply to which the notification pertained until 30 days have elapsed from the day when the notification was received.

(3) The Minister of Economy, Trade and Industry may, if he/she finds that the Large-Volume Supply to which the notification given under paragraph 1 pertained conforms to the following items, shorten the period prescribed in the preceding paragraph.

(i) There is no risk of harm to the proper performance of the General Gas Utility Business.

(ii) Where the Large-Volume Supply is to be provided in the service area of another General Gas Utility, there is no risk of harm to the interests of gas users within the other General Gas Utility's service area as a result of the provision of the Large-Volume Supply.

(iii) Where the Large-Volume Supply is to be provided in an area other than the service areas of other General Gas Utilities where the commencement of a General Gas Utility Business is expected, there is no risk of harm to the commencement of the General Gas Utility Business as a result of the provision of the Large-Volume Supply.

(4) When the Minister of Economy, Trade and Industry finds that the Large-Volume Supply to which the notification given under paragraph 1 pertained fails to conform to any of the items of the preceding paragraph, he/she may, within 30 days from the day when the notification was received (or, if the period prescribed in paragraph 2 has been extended pursuant to the next

paragraph, the extended period), order the General Gas Utility that has given the notification to change the content of the notification or suspend its provision of the Large-Volume Supply to which such notification pertained.

- (5) The Minister of Economy, Trade and Industry may, when he/she has reasonable grounds for believing that it will take a considerable period of time to examine whether or not the Large-Volume Supply to which the notification given under paragraph 1 pertained conforms to the items of paragraph 3 and that such examination will not be completed within the period prescribed in paragraph 2, extend the period set forth in the said paragraph by up to 30 days. In this case, the Minister of Economy, Trade and Industry shall notify the General Gas Utility that has given the notification of the extended period and the reason for extension without delay.

Article 24 A General Gas Utility shall, when intending to supply gas via pipelines to a gas user (limited, however, to those who have a close association with the General Gas Utility as specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 2, paragraph 7) in an area other than its service area, notify the Minister of Economy, Trade and Industry to that effect, with a document describing such association with the recipient of the gas supply attached thereto.

(Gas Supply Plan)

- Article 25 (1) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, prepare each business year a plan on the supply of gas for such a period from the said business year as specified by an Ordinance of the Ministry of Economy, Trade and Industry, and notify the Minister of Economy, Trade and Industry of the plan prior to the start of the business year.
- (2) A General Gas Utility shall, when having revised the gas supply plan, notify the Minister of Economy, Trade and Industry of the revised matters without delay.
- (3) A General Gas Utility shall, when having given a notification pursuant to paragraph 1, display the matters in the gas supply plan which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, at a place accessible to the public in its business office or other office or other workplace without delay. The same shall apply where a General Gas Utility has given a notification pursuant to the preceding paragraph.
- (4) The Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary to revise the gas supply plan in order to promote public interest, recommend that the General Gas Utility should revise the gas supply plan.

(5) The Minister of Economy, Trade and Industry may, when he/she finds that the failure of a General Gas Utility to implement its gas supply plan hinders the promotion of public interest, recommend that the General Gas Utility should implement the gas supply plan without fail.

(Order for Improvement)

Article 25-2 (1) The Minister of Economy, Trade and Industry may order a General Gas Utility to improve its operational procedure for supplying gas in the cases where: the General Gas Utility fails to make the necessary repairs or take other measures immediately to eliminate any stoppage to the gas supply arising from an accident; the General Gas Utility fails to conduct an investigation under Article 40-2, paragraph 2 or to give a notification under paragraph 3 of the said Article or applies an inappropriate method for investigation or notification; or the minister finds that the interest of gas users is adversely affected because the General Gas Utility employs inappropriate operational procedures for supplying gas.

(2) The Minister of Economy, Trade and Industry may, when he/she finds that because a General Gas Utility inappropriately manages the business of providing a Large-Volume Supply, there is a risk of harm to the interests of gas users other than the gas users pertaining to the Large-Volume Supply, order the General Gas Utility to take necessary measures to improve the management of the business of providing the Large-Volume Supply.

(Recommendation on Adjustment of Service Areas, etc.)

Article 25-3 The Minister of Economy, Trade and Industry may, when he/she finds it necessary and appropriate for two or more General Gas Utilities to adjust their service areas or manage their businesses in an integrated manner in order to promote public interest, make a recommendation to the General Gas Utilities to that effect.

### **Section 3 Accounting**

(Keeping of Accounts, etc.)

Article 26 (1) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, keep accounts by establishing its business year and classification of items of accounts, as well as forms of balance sheets, profit and loss statements and other statements on finance and accounting.

(2) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, submit statements on finance and accounting prescribed in the preceding paragraph to the Minister of Economy,

Trade and Industry after the end of each business year.

(Keeping of Accounts by Category of Service, etc.)

Article 26-2 (1) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, keep accounts by category of service as follows.

(i) Service for providing a Large-Volume Supply.

(ii) Service for supplying gas to meet general demand (excluding, however, such service listed in the preceding item).

(iii) Services other than those listed in the preceding two items.

(2) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, submit documents stating the status of income and expenditure for each category of service prescribed in the preceding paragraph to the Minister of Economy, Trade and Industry after the end of each business year.

(Depreciation, etc.)

Article 27 The Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary in order to ensure the proper performance of a General Gas Utility Business, order the General Gas Utility to record a reasonable amount of depreciation of fixed assets used for the General Gas Utility Business by specifying a method or amount or set aside reserves or allowances by specifying a method or amount.

## **Section 4 Gas Facilities**

### **Subsection 1 Conformity to Technical Standards, etc.**

(Maintenance of Gas Facilities, etc.)

Article 28 (1) A General Gas Utility shall maintain Gas Facilities to be used for the General Gas Utility Business (including a Gas Pipeline Service Business and a Large-Volume Gas Business conducted by a General Gas Utility; hereinafter the same shall apply in this Section) to ensure that they conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry.

(2) The Minister of Economy, Trade and Industry may, when he/she finds that Gas Facilities to be used for a General Gas Utility Business do not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under the preceding paragraph, order the General Gas Utility to repair or alter the Gas Facilities to ensure conformity to the technical standards, or order the General Gas Utility to relocate the Gas Facilities or suspend the use of them, or restrict the General Gas Utility from

using them.

- (3) The Minister of Economy, Trade and Industry may, when he/she finds it urgently necessary in order to maintain public safety or prevent the occurrence of a disaster, order a General Gas Utility to relocate its Gas Facilities or suspend the use of them, restrict the General Gas Utility from using them, or order the General Gas Utility to dispose of the gas contained in the Gas Facilities.

(Obligation to Inspect Gas Components)

Article 29 A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, inspect whether or not the quantity of any component of the gas that the General Gas Utility supplies, which might cause bodily harm or inflict damage to objects, surpasses the level specified by an Ordinance of the Ministry of Economy, Trade and Industry, record the quantity and preserve such records.

### **Subsection 2 Independent Safety Measures**

(Safety Regulations)

Article 30 (1) A General Gas Utility shall, in order to ensure safety of the construction, maintenance and operation of the Gas Facilities to be used for the General Gas Utility Business, establish safety regulations pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, and notify the Minister of Economy, Trade and Industry of the regulations before the commencement of the business (in the case of facilities requiring self-inspection set forth in Article 36-2-2, paragraph 1, before the commencement of the construction of the facilities).

- (2) A General Gas Utility shall, when having revised the safety regulations, notify the Minister of Economy, Trade and Industry of the revised matters without delay.
- (3) The Minister of Economy, Trade and Industry may, when he/she finds it necessary in order to ensure safety of the construction, maintenance, and operation of Gas Facilities to be used for a General Gas Utility Business, order the General Gas Utility to revise the safety regulations.
- (4) A General Gas Utility and employees thereof shall observe the safety regulations.

(Chief Gas Engineer)

Article 31 (1) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, appoint one or more chief gas engineers from among persons who have a chief gas engineer's

license and have work experience specified by an Ordinance of the Ministry of Economy, Trade and Industry, in order to cause them to supervise the safety of the construction, maintenance, and operation of the Gas Facilities to be used for the General Gas Utility Business.

- (2) A General Gas Utility shall, when having appointed a chief gas engineer pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect without delay. The same shall apply when a General Gas Utility has dismissed the chief gas engineer.

(Chief Gas Engineer's License)

Article 32 (1) The types of chief gas engineer's license shall be a Class-A Chief Gas Engineer's License, Class-B Chief Gas Engineer's License and Class-C Chief Gas Engineer's License.

- (2) The scope of the construction, maintenance and operation of the Gas Facilities for which a person who has a chief gas engineer's license is in charge of safety supervision shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry by type of chief gas engineer's license prescribed in the preceding paragraph.

- (3) No person other than those who fall under any of the following items may obtain a chief gas engineer's license.

- (i) A person who has passed an examination for a chief gas engineer's license.
- (ii) A person who has been recognized by the Minister of Economy, Trade and Industry as having equal or more knowledge and skills than the person set forth in the preceding item.

- (4) The Minister of Economy, Trade and Industry may choose not to grant a chief gas engineer's license to persons who fall under any of the following items.

- (i) A person who was ordered to return a chief gas engineer's license pursuant to the next Article, before the elapse of a period of one year since the person was thus ordered.
- (ii) A person who was sentenced to a fine or severer punishment for violation of this Act or any order issued under this Act or any disposition made thereunder, before the elapse of a period of two years since the person served out the sentence or ceased to be subject to the sentence.

- (5) The procedural matters concerning the grant of a chief gas engineer's license shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

Article 33 Where a person who has a chief gas engineer's license has violated this Act or any order issued under this Act or any disposition made thereunder, the Minister of Economy, Trade and Industry may order that person to return the chief gas engineer's license.

(Entrustment of Licensing Affairs)

Article 33-2 (1) The Minister of Economy, Trade and Industry may, pursuant to the provision of a Cabinet Order, entrust the whole or a part of the affairs concerning chief gas engineer's licenses (excluding, however, the affairs concerning the return of a chief gas engineer's license or other affairs specified by a Cabinet Order; hereinafter referred to as "Licensing Affairs") to a Designated Examining Body set forth in paragraph 3 of the next Article.

(2) Current or former officers or employees of a Designated Examining Body entrusted with the Licensing Affairs under the preceding paragraph shall not divulge any secrets that they have become aware of in the course of administering the entrusted Licensing Affairs.

(Examination for Chief Gas Engineer's License)

Article 34 (1) An examination for a chief gas engineer's license shall be conducted with respect to the knowledge and skills required for ensuring safety in the construction, maintenance and operation of the Gas Facilities.

(2) An examination for a chief gas engineer's license shall be conducted by the Minister of Economy, Trade and Industry once a year for each type of chief gas engineer's license.

(3) The Minister of Economy, Trade and Industry may designate a person (hereinafter referred to as a "Designated Examining Body") and cause such person to administer the affairs concerning an examination for a chief gas engineer's license (hereinafter referred to as "Examination Affairs").

(4) The subjects of an examination for a chief gas engineer's license, procedure for participating in the examination and other details concerning the examination for a chief gas engineer's license shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Obligations of Chief Gas Engineer)

Article 35 (1) A chief gas engineer shall perform his/her duties in good faith.

(2) People who are engaged in the construction, maintenance or operation of Gas Facilities used for the General Gas Utility Business shall follow the instructions given by the chief gas engineer to ensure the safety thereof.

(Order of Dismissal of Chief Gas Engineer)

Article 36 Where a chief gas engineer has violated this Act or any order issued under this Act or any disposition made thereunder, or it seems that it would adversely affect the safety of the construction, maintenance and operation of Gas Facilities used for the General Gas Utility Business to cause the chief gas engineer to perform his/her duties, the Minister of Economy, Trade and

Industry may order the General Gas Utility to dismiss the chief gas engineer.

### **Subsection 3 Construction Plan and Inspection**

(Construction Plan)

- Article 36-2 (1) A General Gas Utility shall, when intending to implement a construction project<sup>2</sup> to install or modify Gas Facilities to be used for the General Gas Utility Business, when such construction project has been specified by an Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the plans for the construction project; provided, however, that this shall not apply to any unavoidable temporary work to be implemented in the event of loss of or damage to Gas Facilities or in the event of a disaster or other emergency.
- (2) A General Gas Utility shall, when intending to revise the construction plan for which notification was given pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect; provided, however, that this shall not apply to any minor revision specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) A General Gas Utility that has given a notification pursuant to any of the preceding two paragraphs shall not commence the construction project to which the notification pertained until 30 days have elapsed from the day when the notification was received.
- (4) The Minister of Economy, Trade and Industry may, when he/she finds that the construction plan for which notification was given pursuant to paragraph 1 or paragraph 2 conforms to the following items (or item 1 in the case of a construction plan for Gas Facilities to be used exclusively for the Large-Volume Gas Business; hereinafter the same shall apply in the next paragraph), shorten the period prescribed in the preceding paragraph.
- (i) The Gas Facilities conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 28, paragraph 1.
- (ii) The Gas Facilities are technically appropriate for assuring the smooth supply of gas.
- (5) When the Minister of Economy, Trade and Industry finds that the construction plan for which notification was given pursuant to paragraph 1 or paragraph 2 fails to conform to the items of the preceding paragraph, he/she may, within 30 days from the day when the notification is received, order the General Gas Utility to revise or abolish the construction plan.
- (6) Where, with respect to a construction plan for which notification was given pursuant to paragraph 1 or paragraph 2, it seems impossible to determine whether or not the Gas Facilities pertaining to the construction plan conform

to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 28, paragraph 1 without inspecting the construction process, the Minister of Economy, Trade and Industry may, when it is necessary in order to determine conformity to the technical standards, order that the construction process should be inspected by a person registered by the Minister of Economy, Trade and Industry under paragraph 1 of the next Article. In this case, the Minister of Economy, Trade and Industry shall, within the period prescribed in the preceding paragraph, notify the General Gas Utility that has given a notification pursuant to paragraph 1 or paragraph 2 to that effect with the reasons therefor.

- (7) In the case referred to in the proviso of paragraph 1, the General Gas Utility shall, after having commenced the construction project, notify the Minister of Economy, Trade and Industry to that effect without delay.
- (8) In the case referred to in the proviso of paragraph 2, the General Gas Utility shall, after having revised the construction plan, notify the Minister of Economy, Trade and Industry of the revised construction plan without delay; provided, however, that this shall not apply to any cases specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Pre-use Inspection)

- Article 36-2-2 (1) A General Gas Utility shall not use Gas Facilities to be installed or modified according to a construction plan for which notification was given pursuant to paragraph 1 or paragraph 2 of the preceding Article (in the case where an order has been issued with respect to the construction plan for Gas Facilities pursuant to paragraph 5 of the said Article, but notification has not yet been given pursuant to paragraph 1 or paragraph 2 of the said Article, such facilities shall be excluded), which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, unless and until the General Gas Utility conducts a self-inspection of the facilities and then undergoes and passes an inspection conducted by a person registered by the Minister of Economy, Trade and Industry pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry to confirm that the results of the self-inspection conform to the items of the next paragraph (including an inspection of the construction process as ordered under paragraph 6 of the said Article); provided, however, that this shall not apply to the cases specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (2) Gas Facilities that conform to all of the following items shall pass the inspection to be conducted by a person registered by the Minister of Economy, Trade and Industry set forth in the preceding paragraph.
    - (i) The construction project for the facilities has been implemented according to the construction plan for which notification was given pursuant to paragraph

1 or paragraph 2 of the preceding Article (including such plan following any minor revision specified by an Ordinance of the Ministry of Economy, Trade and Industry under the proviso of the said paragraph).

(ii) The facilities conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 28, paragraph 1.

(3) A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, prepare records of a self-inspection conducted under paragraph 1, and preserve such records.

Article 36-2-3 (1) Where a person registered by the Minister of Economy, Trade and Industry as set forth in paragraph 1 of the preceding Article has conducted the inspection under the said paragraph with respect to the Gas Facilities prescribed in the said paragraph (excluding, however, those to be used exclusively for a Large-Volume Gas Business) and finds it unavoidable, that person may regard the Gas Facilities as having provisionally passed the inspection, designating the period and method of use thereof. In this case, the person registered by the Minister of Economy, Trade and Industry as set forth in the said paragraph shall obtain approval from the Minister of Economy, Trade and Industry in advance.

(2) Notwithstanding the provision of paragraph 1 of the preceding Article, Gas Facilities regarded as having provisionally passed the inspection pursuant to the preceding paragraph shall not be precluded from being used within the period specified under the preceding paragraph by the method specified under the said paragraph.

(Periodic Self-Inspection)

Article 36-2-4 A General Gas Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, conduct a self-inspection periodically with respect to the Gas Facilities to be used for the General Gas Utility Business, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, prepare records of the inspection, and preserve such records.

#### **Subsection 4 Designated Examining Body**

(Designation)

Article 36-2-5 (1) The designation set forth in Article 34, paragraph 3 shall be made pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry upon application by a person who intends to administer Examination Affairs.

(2) Upon having made the designation under Article 34, paragraph 3, the Minister of Economy, Trade and Industry shall not administer Examination Affairs.

(Disqualification)

Article 36-3 A person who falls under any of the following items may not receive designation under Article 34, paragraph 3.

- (i) A person who was sentenced to a fine or severer punishment for violation of this Act or any order issued under this Act, before the elapse of a period of two years since that person served out the sentence or ceased to be subject to the sentence.
- (ii) A person whose designation was rescinded pursuant to Article 36-13, paragraph 2, before the elapse of a period of two years since the date of rescission.
- (iii) A person, any of whose officers in charge of its business falls under any of the following conditions.
  - (a) A person who falls under item 1.
  - (b) A person who was dismissed by an order under Article 36-9, before the elapse of a period of two years since the date of dismissal.

(Standards for Designation)

Article 36-4 The Minister of Economy, Trade and Industry shall not make the designation under Article 34, paragraph 3 unless no other person has received designation under the said paragraph and the application for designation filed under the said paragraph conforms to the following items.

- (i) The applicant's plan for the administration of the Examination Affairs, which covers personnel, equipment, methods of administering the Examination Affairs and other matters, is appropriate for the proper administration of the Examination Affairs.
- (ii) The applicant has sufficient financial basis and technical capability to implement properly the plan for the administration of the Examination Affairs set forth in the preceding item.
- (iii) The applicant is a juridical person established pursuant to Article 34 of the Civil Code (Act No. 89 of 1896).
- (iv) Where the applicant is engaged in services other than Examination Affairs, there is no risk that the applicant will fail to administer fairly the Examination Affairs by performing such other services.

(Operational Rules for Examination Affairs)

Article 36-5 (1) A Designated Examining Body shall formulate rules concerning the administration of Examination Affairs (hereinafter referred to as the

"Operational Rules for Examination Affairs"), and obtain approval of the rules from the Minister of Economy, Trade and Industry. The same shall apply where a Designated Examining Body intends to revise the rules.

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

(Suspension and Abolition of Examination Affairs)

Article 36-6 A Designated Examining Body shall not suspend nor abolish the whole or a part of the Examination Affairs unless it is permitted by the Minister of Economy, Trade and Industry.

(Business Plan, etc.)

Article 36-7 (1) A Designated Examining Body shall, prior to the beginning of each business year (or without delay after designation under Article 34, paragraph 3 in the case of a business year that contains the date of designation), prepare a business plan and income and expenditure budget for the business year, and obtain approval of them from the Minister of Economy, Trade and Industry. The same shall apply when a Designated Examining Body intends to revise them.

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

(Appointment and Dismissal of Officers)

Article 36-8 The appointment and dismissal of an officer of a Designated Examining Body shall not be effective unless approved by the Minister of Economy, Trade and Industry.

(Order of Dismissal of Officer)

Article 36-9 Where any officer of a Designated Examining Body has violated this Act or any order issued under this Act or the Operational Rules for Examination Affairs or committed any inappropriate act in connection with the Examination Affairs, the Minister of Economy, Trade and Industry may order the Designated Examining Body to dismiss the officer.

(Examiner)

- Article 36-10 (1) A Designated Examining Body shall, when administering the Examination Affairs, cause its examiners to administer the affairs in determining whether or not an applicant for a chief gas engineer's license has the necessary knowledge and skills as a chief gas engineer.
- (2) A Designated Examining Body shall appoint examiners from among persons who satisfy the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) A Designated Examining Body shall, when having appointed examiners, notify the Minister of Economy, Trade and Industry to that effect pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry. The same shall apply where any examiner has been replaced.
- (4) The provisions of the preceding Article shall apply mutatis mutandis to examiners.

(Obligation of Confidentiality, etc.)

- Article 36-11 (1) Current or former officers or employees (including examiners; hereinafter the same shall apply in the next paragraph) of a Designated Examining Body shall not divulge secrets that they have become aware of in the course of administering the Examination Affairs.
- (2) With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, officers or employees of a Designated Examining Body who are engaged in Examination Affairs shall be regarded as personnel engaged in public services under laws and regulations.

(Order for Conformity, etc.)

- Article 36-12 (1) The Minister of Economy, Trade and Industry may, when he/she finds that a Designated Examining Body has ceased to conform to any of the items of Article 36-4 (excluding item 3; hereinafter the same shall apply in this paragraph), order the Designated Examining Body to take any necessary measures to ensure conformity to the provisions of the said items.
- (2) In addition to what is provided for in the preceding paragraph, the Minister of Economy, Trade and Industry may, when he/she finds it necessary for the enforcement of this Act, issue to a Designated Examining Body an order necessary for the supervision of the Examination Affairs.

(Rescission of Designation, etc.)

- Article 36-13 (1) Where a Designated Examining Body has ceased to conform to Article 36-4, item 3, the Minister of Economy, Trade and Industry shall rescind the designation made under Article 34, paragraph 3.
- (2) Where a Designated Examining Body falls under any of the following items,

the Minister of Economy, Trade and Industry may rescind the designation made under Article 34, paragraph 3, or order the Designated Examining Body to suspend the whole or a part of the Examination Affairs within a specified period.

(i) Where the Designated Examining Body has violated the provisions of this Subsection.

(ii) Where the Designated Examining Body now falls under Article 36-3, item 1 or item 3.

(iii) Where the Designated Examining Body has not administered the Examination Affairs in accordance with the Operational Rules for Examination Affairs approved under Article 36-5, paragraph 1.

(iv) Where the Designated Examining Body has violated an order issued under Article 36-5, paragraph 3, Article 36-9 (including the cases where it is applied mutatis mutandis pursuant to Article 36-10, paragraph 4), or the preceding Article.

(v) Where the Designated Examining Body has received designation under Article 34, paragraph 3 by wrongful means.

(Bookkeeping)

Article 36-14 A Designated Examining Body shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, keep books, state in such books the matters concerning the Examination Affairs specified by an Ordinance of the Ministry of Economy, Trade and Industry, and preserve such books.

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

Article 36-15 (1) The Minister of Economy, Trade and Industry may him/herself administer the whole or a part of the Examination Affairs of a Designated Examining Body in the cases where: the Designated Examining Body has suspended the whole or a part of the Examination Affairs with permission granted under Article 36-6; an order has been issued to the Designated Examining Body to suspend the whole or a part of the Examination Affairs pursuant to Article 36-13, paragraph 2; or the minister finds it necessary to do so because it has become difficult for the Designated Examining Body to administer the whole or a part of the Examination Affairs as a result of a natural disaster or otherwise.

(2) The transfer of the Examination Affairs and other necessary matters, in the cases where the Minister of Economy, Trade and Industry him/herself administers the whole or a part of the Examination Affairs pursuant to the preceding paragraph, a Designated Examining Body abolishes the whole or a part of the Examination Affairs with permission granted under Article 36-6, or

the Minister of Economy, Trade and Industry has rescinded the designation of a Designated Examining Body pursuant to Article 36-13, shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

### **Subsection 5 Registered Gas Facilities Inspection Body**

(Registration)

Article 36-16 The registration set forth in Article 36-2-2, paragraph 1 shall be made, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, upon application by a person who intends to conduct an inspection set forth in the said paragraph (hereinafter simply referred to as an "Inspection") for the respective inspection categories as follows.

- (i) Inspection of Specified Gas Facilities (which means Specified Gas Generating Facilities and auxiliary facilities thereof specified by an Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same shall apply).
- (ii) Inspection of Gas Facilities other than Specified Gas Facilities.

(Disqualification)

Article 36-17 A person who falls under any of the following items may not be registered under Article 36-2-2, paragraph 1.

- (i) A person who was sentenced to a fine or severer punishment for violation of this Act or any order issued under this Act, before the elapse of a period of two years since that person served out the sentence or ceased to be subject to the sentence.
- (ii) A person whose registration was rescinded pursuant to Article 36-26, before the elapse of a period of two years since the date of rescission.
- (iii) A juridical person, any of whose officers in charge of its business falls under any of the preceding two items.

(Standards for Registration)

Article 36-18 (1) The Minister of Economy, Trade and Industry shall register a person who has applied for registration pursuant to Article 36-16 (hereinafter referred to as an "Applicant for Registration" in this paragraph) if that person conforms to all of the following requirements. In this case, necessary procedures for registration shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

- (i) Inspection shall be conducted by a person who falls under any of the following conditions, at least two persons assigned for each inspection category.
  - (a) A person who graduated from a university or college of technology under

- the School Education Act (Act No. 26 of 1947), a university under the old University Ordinance (Imperial Ordinance No. 388 of 1918) or a vocational training school under the old Vocational Training School Ordinance (Imperial Ordinance No. 61 of 1903) after completing a course in chemistry, mechanical engineering or civil engineering or any other course similar thereto, and has experience of being engaged for at least one year in total in the services for construction, maintenance and operation or Inspection of Gas Facilities (excluding, however, Specified Gas Facilities in the case where the application pertains to the inspection category set forth in Article 36-16, item 2; hereinafter the same shall apply in (b) and (c)).
- (b) A person who graduated from a high school or secondary education school under the School Education Act or an industrial school under the old Secondary School Ordinance (Imperial Ordinance No. 36 of 1943) after completing a course in chemistry, mechanical engineering or civil engineering or any other course similar thereto, and has experience of being engaged for at least two years in total in the services for construction, maintenance and operation or Inspection of Gas Facilities.
- (c) A person who has been engaged for at least three years in total in the services for construction, maintenance and operation or Inspection of Gas Facilities.
- (d) A person who has a chief gas engineer's license (limited, however, to Class-A Chief Gas Engineer's License in the case where the application pertains to the inspection category set forth in Article 36-16, item 2).
- (ii) The Applicant for Registration controlled by a Gas Supplier falls under none of the following conditions.
- (a) Where the Applicant for Registration is a business corporation, the Gas Supplier is its parent corporation (as prescribed in Article 879, paragraph 1 of the Companies Act (Act No. 86 of 2005); hereinafter the same shall apply).
- (b) Where more than half of the officers of the Applicant for Registration (in the case of a Partnership Corporation (which means a partnership corporation prescribed in Article 575, paragraph 1 of the Companies Act), officers in charge of its business; hereinafter the same shall apply) are officers or employees of the Gas Supplier (including those who have been officers or employees of the Gas Supplier in the past two years).
- (c) Where the Applicant for Registration (or, in the case of a juridical person, its representative officer) is an officer or employee of the Gas Supplier (or has been an officer or employee of the Gas Supplier in the past two years).
- (2) The registration set forth in Article 36-2-2, paragraph 1 shall be made, with the following matters stated in the registry of the Gas Facilities Inspection Bodies.

- (i) The date of registration and registration number.
- (ii) The name and address of the person registered, as well as the name of the representative if such person is a juridical person.
- (iii) The respective inspection category set forth in Article 36-16.
- (iv) The name and location of the place of business where the registered person conducts an Inspection.

(Renewal of Registration)

- Article 36-19 (1) Unless it is renewed at an interval of not less than three years as set by a Cabinet Order, the registration set forth in Article 36-2-2, paragraph 1 shall cease to be effective upon the expiration of such period.
- (2) The provisions of the preceding three Articles shall apply mutatis mutandis to the renewal of registration set forth in the preceding paragraph.

(Obligation to Conduct Inspection)

- Article 36-20 (1) A person registered under Article 36-2-2, paragraph 1 (hereinafter referred to as a "Registered Gas Facilities Inspection Body") shall, without delay, conduct an Inspection when requested except where there are justifiable grounds not to do so.
- (2) A Registered Gas Facilities Inspection Body shall conduct an Inspection fairly by a method specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Notification of Change to Place of Business)

- Article 36-21 A Registered Gas Facilities Inspection Body shall, when intending to change the location of the place of business where an Inspection is to be conducted, notify the Minister of Economy, Trade and Industry of the change two weeks prior to the day when the change is scheduled.

(Operational Rules)

- Article 36-22 (1) A Registered Gas Facilities Inspection Body shall formulate rules concerning the services for Inspections (hereinafter referred to as the "Operational Rules"), and notify the Minister of Economy, Trade and Industry of the rules before commencing the services for Inspections. The same shall apply where a Registered Gas Facilities Inspection Body intends to revise the rules.
- (2) The Operational Rules shall provide for a method for conducting an Inspection, a method for calculating the fees for an Inspection, and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Notification of Suspension or Abolition of Operation)

Article 36-23 A Registered Gas Facilities Inspection Body shall, when intending to suspend or abolish the whole or a part of the services for Inspections, notify the Minister of Economy, Trade and Industry to that effect in advance pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

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

Article 36-23-2 (1) A Registered Gas Facilities Inspection Body shall, within three months after the end of each business year, prepare a property inventory, balance sheet, profit and loss statement or income and expenditure statement and business report (in the case where these documents are prepared as Electromagnetic Records (which means records produced by an electronic device, magnetic device or any other device not recognizable to human sense, which are used for data processing by a computer; hereinafter the same shall apply in this Article), or Electromagnetic Records are prepared instead of preparing the documents, such Electromagnetic Records shall be included; these documents shall hereinafter be referred to as "Financial Statements, etc.") and keep them in its place of business for five years.

(2) A Gas Supplier and other interested persons may, at any time during the business hours of the Registered Gas Facilities Inspection Body, make any of the following requests to the body; provided, however, that when making a request set forth in item 2 or item 4, the Gas Supplier or interested persons shall pay the fee determined by the Registered Gas Facilities Inspection Body.

(i) Where Financial Statements, etc. are prepared as written documents, a request for public inspection or copying of the written documents.

(ii) A request for a transcript or extract of the written documents set forth in the preceding item.

(iii) Where Financial Statements, etc. are prepared as Electromagnetic Records, a request for public inspection or copying of the content of the Electromagnetic Records displayed by a device specified by an Ordinance of the Ministry of Economy, Trade and Industry.

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

(Order for Conformity)

Article 36-24 The Minister of Economy, Trade and Industry may, when he/she finds that a Registered Gas Facilities Inspection Body has ceased to conform to

any of the items of paragraph 1 of Article 36-18, order the Registered Gas Facilities Inspection Body to take any necessary measures to ensure conformity to the provisions of the said items.

(Order for Improvement)

Article 36-25 The Minister of Economy, Trade and Industry may, when he/she finds that a Registered Gas Facilities Inspection Body is in violation of Article 36-20, order the Registered Gas Facilities Inspection Body to conduct an Inspection or take any other necessary measures to improve the inspection method or other operational procedure.

(Rescission of Registration, etc.)

Article 36-26 Where a Registered Gas Facilities Inspection Body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its registration or order the Registered Gas Facilities Inspection Body to suspend the whole or a part of the services for Inspections within a specified period.

- (i) Where the Registered Gas Facilities Inspection Body now falls under Article 36-17, item 1 or item 3.
- (ii) Where the Registered Gas Facilities Inspection Body has violated Article 36-20, Article 36-21, Article 36-22, paragraph 1, Article 36-23, Article 36-23-2, paragraph 1, or the next Article.
- (iii) Where the Registered Gas Facilities Inspection Body has refused the request made under the items of paragraph 2 of Article 36-23-2 without justifiable grounds.
- (iv) Where the Registered Gas Facilities Inspection Body has violated an order issued under the preceding two Articles.
- (v) Where the Registered Gas Facilities Inspection Body has been registered under Article 36-2-2, paragraph 1 by wrongful means.

(Bookkeeping)

Article 36-27 A Registered Gas Facilities Inspection Body shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, keep books, state in such books the matters concerning an Inspection specified by an Ordinance of the Ministry of Economy, Trade and Industry, and preserve such books.

(Services for Inspections Performed by Minister of Economy, Trade and Industry)

Article 37 (1) The Minister of Economy, Trade and Industry may him/herself perform the whole or a part of the services for Inspections of a Registered Gas

Facilities Inspection Body in the cases where: there is no person registered pursuant to Article 36-2-2, paragraph 1; notification of the suspension or abolition of the whole or a part of the services for Inspections has been given pursuant to Article 36-23; the registration made under Article 36-26 has been rescinded or an order has been issued to the Registered Gas Facilities Inspection Body to suspend or abolish the whole or a part of the services for Inspections pursuant to Article 36-26; it has become difficult for the Registered Gas Facilities Inspection Body to perform the whole or a part of the services for Inspections due to a disaster or otherwise; or it is necessary for any other reasons.

- (2) The transfer of the services for Inspections and other necessary matters, in the case where the Minister of Economy, Trade and Industry performs the whole or a part of the services for Inspections him/herself pursuant to the preceding paragraph, shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

### **Chapter III Community Gas Utility Business**

(Business License)

Article 37-2 A person who intends to conduct a Community Gas Utility Business shall obtain a license from the Minister of Economy, Trade and Industry for each Service Block.

(Application for License)

Article 37-3 (1) A person who intends to obtain a license under the preceding Article shall submit a written application to the Minister of Economy, Trade and Industry, stating:

- (i) The name and address of the applicant, as well as the name of the representative if the applicant is a juridical person.
- (ii) The service points and the number thereof.
- (iii) The location and structure of the Specified Gas Facilities and the number thereof by capacity.

- (2) The written application set forth in the preceding paragraph shall be accompanied by drawings of the service points and other documents specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Standards for License)

Article 37-4 The Minister of Economy, Trade and Industry shall not grant a license under Article 37-2 unless he/she finds that the application for the license under the said paragraph conforms to the following items.

- (i) The commencement of the Community Gas Utility Business corresponds to

general demand.

- (ii) The Specified Gas Generating Facility for the Community Gas Utility Business is capable of meeting gas demand at the service points.
- (iii) Where the service points are located in the service area of a General Gas Utility that has prepared an appropriate and reliable gas supply plan with respect to the place where the commencement of the Community Gas Utility Business is likely to hinder the General Gas Utility's performance of its business, there is no risk of harm to the interests to be enjoyed by the gas users at that place as a result of the commencement of the Community Gas Utility Business.
- (iv) The commencement of the Community Gas Utility Business will not result in the existence of an excessive number of Gas Facilities at the service points.
- (v) The applicant has sufficient financial basis and technical capability to perform the Community Gas Utility Business properly.
- (vi) The Specified Gas Facilities for the Community Gas Utility Business conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 28, paragraph 1 as applied *mutatis mutandis* pursuant to Article 37-7, paragraph 1.
- (vii) The Community Gas Utility Business is based on a reliable plan.
- (viii) The commencement of the Community Gas Utility Business is necessary and appropriate in light of public interest.

(License Certificate)

Article 37-5 (1) The Minister of Economy, Trade and Industry shall, when having granted a license for a Community Gas Utility Business, issue a license certificate.

(2) The license certificate shall state:

- (i) The date of grant of the license and the license number.
- (ii) The name and address of the licensee.
- (iii) The service points and the number thereof.
- (iv) The location and structure of the Specified Gas Facilities and the number thereof by capacity.

(Obligation to Supply)

Article 37-6 (1) A Community Gas Utility shall not refuse to supply gas to meet general demand at its service points without justifiable grounds.

(2) A Community Gas Utility shall not supply gas via pipelines to meet general demand at any point other than its service points, except when the Community Gas Utility, having obtained a license/permission, or registration or given a notification under this Act or other Acts, supplies gas in a manner for which the license/permission or registration has been granted or of which the

notification has been given.

(Obligation to Supply under General Supply Provisions, etc.)

Article 37-6-2 A Community Gas Utility shall not supply gas to meet general demand under supply conditions other than those set out in general supply provisions approved under Article 17, paragraph 1 as applied mutatis mutandis pursuant to paragraph 1 of the next Article (or, if notification of revision has been given pursuant to Article 17, paragraph 4 as applied mutatis mutandis pursuant to paragraph 1 of the next Article, the revised provisions; if revision has been made pursuant to Article 18, paragraph 2 as applied mutatis mutandis pursuant to paragraph 1 of the next Article, the revised provisions) or those set out in Optional Supply Provisions for which notification was given pursuant to Article 17, paragraph 7 as applied mutatis mutandis pursuant to paragraph 1 of the next Article; provided, however, that this shall not apply when a Community Gas Utility has reached an agreement on a Large-Volume Supply of Specified Gas (which means a supply via pipelines of gas generated at a Specified Gas Generating Facility specified by a Cabinet Order to meet a certain volume of demand from gas users, which satisfies the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry) with the recipient of gas supply, or has obtained approval from the Minister of Economy, Trade and Industry because of special circumstances.

(Application Mutatis Mutandis)

Article 37-7 (1) The provisions of Articles 7 to 11, Articles 13 to 15, Articles 17 to 19, Article 21, Article 25-2, Article 26, paragraph 1, Article 28, Article 31, and Article 36 shall apply mutatis mutandis to a Community Gas Utility. In this case, the term "Article 5" in Article 8, paragraph 2 and Article 10, paragraph 3 shall be deemed to be replaced with "Article 37-4," and the term "Large-Volume Supply" in Article 25-2, paragraph 2 shall be deemed to be replaced with "Large-Volume Supply of Specified Gas."

(2) The provision of Article 36-2-2 shall apply mutatis mutandis to Specified Gas Facilities to be used for a Community Gas Utility Business. In this case, the phrase "according to the construction plan for which notification was given pursuant to paragraph 1 or paragraph 2 of the preceding Article (including such plan following any minor revision specified by an Ordinance of the Ministry of Economy, Trade and Industry under the proviso of the said paragraph)" in item 1 of paragraph 2 of the said Article shall be deemed to be replaced with "in a manner for which a license has been obtained under Article 37-2 or for which notification was given under Article 9, paragraph 1 or paragraph 2 (limited, however, to the part concerning the matters listed in Article 6, paragraph 2, item 4) as applied mutatis mutandis pursuant to Article

37-7, paragraph 1."

- (3) The provisions of Article 30 and Article 35, paragraph 2 shall apply mutatis mutandis to a Community Gas Utility. In this case, the phrase "before the commencement of the business (in the case of facilities requiring self-inspection set forth in Article 36-2-2, paragraph 1, before the commencement of the construction of the facilities)" in Article 30, paragraph 1 shall be deemed to be replaced with "before the commencement of the business (in the case of a business involving the construction with a license under Article 37-2 (limited, however, to the construction of Specified Gas Facilities that are specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 36-2-2, paragraph 1 as applied mutatis mutandis pursuant to Article 37-7, paragraph 2), before the commencement of the construction of the facilities)."

#### **Chapter IV Gas Pipeline Service Business**

(Notification of Gas Pipeline Service Business)

- Article 37-7-2 (1) A person other than a General Gas Utility shall, when intending to conduct a Gas Pipeline Service Business, notify the Minister of Economy, Trade and Industry of the following matters pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.
- (i) The name and address of the person, as well as the name of the representative if the person is a juridical person.
  - (ii) The site where the Specified Pipes for the Gas Pipeline Service Business are to be installed, the inside diameter and the gas pressure within the Specified Pipes.
- (2) The notification set forth in the preceding paragraph shall be accompanied by documents specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) A person who has given a notification under paragraph 1 shall not use the Specified Pipes to which the notification pertained for the Gas Pipeline Service Business until 30 days have elapsed from the day when the notification was received, if the Specified Pipes are to be installed in the service area of a General Gas Utility.
- (4) When the Minister of Economy, Trade and Industry finds, in the case referred to in the preceding paragraph, that the use of the Specified Pipes to which the notification given under paragraph 1 pertained for the Gas Pipeline Service Business is unlikely to harm the interests of gas users in the service area of the General Gas Utility prescribed in the preceding paragraph, he/she may shorten the period prescribed in the said paragraph.
- (5) When the Minister of Economy, Trade and Industry finds, in the case referred to in paragraph 3, that the use of the Specified Pipes to which the notification

given under paragraph 1 pertained for the Gas Pipeline Service Business is likely to harm the interests of gas users in the service area of the General Gas Utility prescribed in paragraph 3, he/she may, within 30 days from the day when the notification was received (or, if the period prescribed in paragraph 3 has been extended pursuant to the next paragraph, the extended period), order the person who has given the notification to change the content of the notification or suspend its use of the Specified Pipes to which such notification pertained.

- (6) When the Minister of Economy, Trade and Industry has, in the case referred in paragraph 3, reasonable grounds for believing that it will take a considerable period of time to examine whether or not the use of the Specified Pipes to which the notification given under paragraph 1 pertained for the Gas Pipeline Service Business is likely to harm the interests of gas users in the service area of the General Gas Utility prescribed in paragraph 3 and that such examination will not be completed within the period prescribed in the said paragraph, he/she may extend the period set forth in the said paragraph by up to 30 days. In this case, the Minister of Economy, Trade and Industry shall notify the person who has given the notification of the extended period and the reason for extension without delay.
- (7) A Gas Pipeline Service Provider shall, when intending to change the matters to which the notification given under paragraph 1 pertained, notify the Minister of Economy, Trade and Industry to that effect.
- (8) The provisions of paragraphs 2 to 6 shall apply mutatis mutandis to the notification set forth in the preceding paragraph (limited, however, to the cases where a Gas Pipeline Service Provider intends to change the matters listed in paragraph 1, item 2). In this case, the phrase "shall not use the Specified Pipes to which the notification pertained for the Gas Pipeline Service Business" in paragraph 3 shall be deemed to be replaced with "shall not make the change; provided, however, that this shall not apply to any minor change specified by an Ordinance of the Ministry of Economy, Trade and Industry," and the phrase "the use of the Specified Pipes to which the notification given under paragraph 1 pertained for the Gas Pipeline Service Business" in paragraphs 4 to 6 shall be deemed to be replaced with "the change to which the notification given under paragraph 1 pertained."
- (9) A Gas Pipeline Service Provider shall, when having abolished its business, notify the Minister of Economy, Trade and Industry to that effect without delay.

(Large-Volume Supply by Gas Pipeline Service Provider)

Article 37-7-3 (1) A Gas Pipeline Service Provider shall, when intending to provide a Large-Volume Supply (excluding, however, the cases where a Gas Pipeline Service Provider intends to generate gas at a Specified Gas

Generating Facility and supply such gas via pipelines), notify the Minister of Economy, Trade and Industry of the recipient of the gas supply and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

- (2) A Gas Pipeline Service Provider that has given notification under the preceding paragraph shall not provide the Large-Volume Supply to which the notification pertained until 30 days have elapsed from the day when the notification was received.
- (3) The Minister of Economy, Trade and Industry may, if he/she finds that the Large-Volume Supply to which the notification given under paragraph 1 pertained conforms to the following items, shorten the period prescribed in the preceding paragraph.
  - (i) Where the Large-Volume Supply is to be provided in the service area of a General Gas Utility, there is no risk of harm to the interests of gas users within the General Gas Utility's service area as a result of the provision of the Large-Volume Supply.
  - (ii) Where the Large-Volume Supply is to be provided in an area other than the service areas of General Gas Utilities where the commencement of a General Gas Utility Business is expected, there is no risk of harm to the commencement of the General Gas Utility Business as a result of the provision of the Large-Volume Supply.
- (4) When the Minister of Economy, Trade and Industry finds that the Large-Volume Supply to which the notification given under paragraph 1 pertained fails to conform to any of the items of the preceding paragraph, he/she may, within 30 days from the day when the notification was received (or, if the period prescribed in paragraph 2 has been extended pursuant to the next paragraph, the extended period), order the Gas Pipeline Service Provider that has given the notification to change the contents of the notification or suspend its provision of the Large-Volume Supply to which such notification pertained.
- (5) The Minister of Economy, Trade and Industry may, when he/she has reasonable grounds for believing that it will take a considerable period of time to examine whether or not the Large-Volume Supply to which the notification given under paragraph 1 pertained conforms to the items of paragraph 3 and that such examination will not be completed within the period prescribed in paragraph 2, extend the period set forth in the said paragraph by up to 30 days. In this case, the Minister of Economy, Trade and Industry shall notify the Gas Pipeline Service Provider that has given the notification of the extended period and the reason for extension without delay.

(Gas Supply by Gas Pipeline Service Provider in Service Area of General Gas Utility)

Article 37-7-4 A Gas Pipeline Service Provider shall, when intending to supply gas via pipelines to a gas user (limited, however, to those who have a close association with the Gas Pipeline Service Provider as specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 2, paragraph 7) in the service area of a General Gas Utility, notify the Minister of Economy, Trade and Industry to that effect, with a document describing such association with the recipient of the gas supply attached thereto.

(Application Mutatis Mutandis)

Article 37-8 The provisions of Article 11, Articles 21 to 22-4, Article 25-2, paragraph 1, Article 26, Articles 28 to 31, Article 35, paragraph 2, Articles 36 to 36-2-2, and Article 36-2-4 shall apply mutatis mutandis to a Gas Pipeline Service Provider. In this case, the phrase "the heir who has succeeded" in Article 11, paragraph 2 shall be deemed to be replaced with "the person who has succeeded," the phrase "calorific value, pressure and combustibility" in Article 21 shall be deemed to be replaced with "pressure (in the case of providing a Large-Volume Supply, calorific value, pressure and combustibility)," the term "Approved General Gas Utility" in Article 22, paragraph 3 and Article 22-2 shall be deemed to be replaced with "Approved Gas Pipeline Service Provider," and the term "supplies" in Article 29 shall be deemed to be replaced with "provides as a Large-Volume Supply."

**Chapter V Gas Supply Business, etc. Other Than General Gas Utility Business, Community Gas Utility Business and Gas Pipeline Service Business**

**Section 1 Large-Volume Gas Business by Person Other Than General Gas Utility and Gas Pipeline Service Provider**

(Large-Volume Supply by Person Other Than General Gas Utility and Gas Pipeline Service Provider)

Article 37-9 (1) A person other than a General Gas Utility and Gas Pipeline Service Provider shall, when intending to provide a Large-Volume Supply (excluding, however, the cases where such person intends to generate gas at a Specified Gas Generating Facility and supply such gas via pipelines), notify the Minister of Economy, Trade and Industry of the recipient of the gas supply and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(2) The provisions of Article 37-7-3, paragraphs 2 to 5 shall apply mutatis mutandis to the notification set forth in the preceding paragraph.

(Application Mutatis Mutandis)

Article 37-10 The provisions of Article 21, Article 25-2, paragraph 1, Articles 28 to 31, Article 35, paragraph 2, Articles 36 to 36-2-2, and Article 36-2-4 shall apply mutatis mutandis to a Large-Volume Gas Supplier.

## **Section 2 Gas Supply Business, etc. Other Than Gas Business**

(Application Mutatis Mutandis)

Article 38 (1) The provision of Article 37-7-4 shall apply mutatis mutandis to a person other than a General Gas Utility and Gas Pipeline Service Provider.

(2) The provisions of Article 28, paragraph 1 and paragraph 2, Article 31, Article 35, paragraph 2, Article 36, and Article 36-2 (excluding paragraph 6) shall apply mutatis mutandis to a person who, pursuant to the provision of a Cabinet Order, conducts a business of supplying gas (excluding a Gas Business) or a business that uses the gas manufactured by that person (excluding, however, such businesses subject to the Mine Safety Act (Act No. 70 of 1949), the High Pressure Gas Safety Act (Act No. 204 of 1951), the Electricity Business Act (Act No. 170 of 1964) or the Act on Securing Safety and Optimization of Transaction of Liquefied Petroleum Gas (Act No. 149 of 1967; hereinafter referred to as the "Liquefied Petroleum Gas Act")) (such a person shall hereinafter be referred to as a "Quasi-Gas Supplier<sup>3</sup>"). In this case, the phrase "the following items" in Article 36-2, paragraph 4 shall be deemed to be replaced with "item 1," and the phrase "the items of the preceding paragraph" in Article 36-2, paragraph 5 shall be deemed to be replaced with "item 1 of the preceding paragraph."

(Notification of Commencement of Business, etc.)

Article 39 A Quasi-Gas Supplier shall, when having commenced or abolished its business, notify the Minister of Economy, Trade and Industry to that effect without delay.

## **Chapter VI Gas Equipment**

### **Section 1 Definitions**

(Definitions)

Article 39-2 (1) The term "Gas Equipment" as used in this Act shall mean machines, apparatuses or materials to be used by General Consumers, etc. (which means General Consumers, etc. prescribed in Article 2, paragraph 2 of the Liquefied Petroleum Gas Act; hereinafter the same shall apply) (excluding, however, machines, apparatuses or materials prescribed in paragraph 7 of the said Article), which are specified by a Cabinet Order.

(2) The term "Specified Gas Equipment" as used in this Act shall mean Gas

Equipment that seems to be very likely to cause a gas disaster in light of its structure, conditions of use, and status of use, which is specified by a Cabinet Order.

## **Section 2 Restrictions on Sale and Labeling**

(Restrictions on Sale)

Article 39-3 (1) A person engaged in the business of manufacturing, importing or selling Gas Equipment shall not sell or display for sale any Gas Equipment other than that labeled as prescribed under Article 39-12.

(2) The provision of the preceding paragraph shall not apply where the person set forth in the said paragraph falls under the following items.

(i) Where such a person has, in order to sell or display for sale Gas Equipment intended for export, notified the Minister of Economy, Trade and Industry to that effect.

(ii) Where such a person has, in order to sell or display for sale Gas Equipment intended for a specific purpose other than export, obtained approval from the Minister of Economy, Trade and Industry for that purpose.

(iii) Where such a person sells or displays for sale the Gas Equipment to which the notification given under Article 39-10, paragraph 1, item 1 or the approval granted under item 2 of the said paragraph pertained.

(Restrictions on Labeling)

Article 39-4 Except where a person who has given a notification pursuant to the next Article (hereinafter referred to as a "Notifying Manufacturer/Importer<sup>4</sup>") affixes labels, pursuant to Article 39-12, to Gas Equipment categorized by the model to which the notification given under the said Article (hereinafter simply referred to as the "Model to Which Notification Pertained"), no person shall affix labels set forth in the said Article or other confusing labels to Gas Equipment.

## **Section 3 Notification of Business, etc.**

(Notification of Business)

Article 39-5 A person engaged in manufacturing or importing Gas Equipment may notify the Minister of Economy, Trade and Industry of the following matters for the respective categories of Gas Equipment specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(i) The name and address of the person, as well as the name of the representative if the person is a juridical person.

(ii) The respective category of the model of Gas Equipment specified by an

Ordinance of the Ministry of Economy, Trade and Industry.

(iii) The name and location of the factory or workplace where the Gas Equipment is manufactured (in the case of a person engaged in importing Gas Equipment, the name and address of the manufacturer of the Gas Equipment).

(Succession)

Article 39-6 (1) In the event of an assignment by the Notifying Manufacturer/Importer of the business to which the notification pertained, or inheritance, merger or demerger of the Notifying Manufacturer/Importer (limited, however, to those resulting in the taking over of the whole of the business to which the notification pertained), the assignee of the whole of the business, the heir (in the case where one particular heir has been selected from among two or more heirs as the successor of the business by consent of all heirs, such selected heir), the juridical person surviving after the merger or the juridical person newly established upon the merger, or the juridical person who has taken over the whole of the business upon the demerger shall succeed to the status of the Notifying Manufacturer/Importer.

(2) A person who has succeeded to the status of a Notifying Manufacturer/Importer pursuant to the preceding paragraph shall notify the Minister of Economy, Trade and Industry to that effect without delay, with a document proving such fact.

(Notification of Change)

Article 39-7 Where there has been a change to the matters listed in the items of Article 39-5, a Notifying Manufacturer/Importer shall notify the Minister of Economy, Trade and Industry to that effect without delay; provided, however, that this shall not apply to any minor change specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Notification of Abolition)

Article 39-8 A Notifying Manufacturer/Importer shall, when having abolished the business to which the notification pertained, notify the Minister of Economy, Trade and Industry to that effect without delay.

(Provision of Information on Matters of Notification)

Article 39-9 Any person may request the Minister of Economy, Trade and Industry to provide information on the matters listed in Article 39-5, item 1 and item 2.

(Obligation to Conform to Standards, etc.)

- Article 39-10 (1) A Notifying Manufacturer/Importer shall, when manufacturing or importing the Gas Equipment categorized by the Model Pertaining to Notification, ensure that the Gas Equipment conforms to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to the following cases.
- (i) Where the Notifying Manufacturer/Importer has, in order to manufacture or import Gas Equipment intended for export, notified the Minister of Economy, Trade and Industry to that effect.
  - (ii) Where the Notifying Manufacturer/Importer has, in order to manufacture or import Gas Equipment intended for a specific purpose other than export, obtained approval from the Minister of Economy, Trade and Industry for that purpose.
  - (iii) Where the Notifying Manufacturer/Importer manufactures or imports Gas Equipment for experimental purposes.
- (2) A Notifying Manufacturer/Importer shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, inspect the Gas Equipment prescribed in the preceding paragraph that the Notifying Manufacturer/Importer manufactures or imports (excluding, however, that manufactured or imported pursuant to the proviso of the said paragraph), record the inspection results and preserve such records.

(Conformity Inspection of Specified Gas Equipment)

Article 39-11 (1) A Notifying Manufacturer/Importer shall, if the Gas Equipment prescribed in paragraph 1 of the preceding Article that the Notifying Manufacturer/Importer manufactures or imports (excluding, however, that manufactured or imported pursuant to the proviso of the said paragraph) falls into the category of Specified Gas Equipment, before selling the Specified Gas Equipment, undergo an inspection prescribed in the next paragraph by a person registered by the Minister of Economy, Trade and Industry (hereinafter referred to as a "Conformity Inspection") with respect to the matters listed in the following items and obtain a certificate set forth in the said paragraph, and preserve such certificate; provided, however, that this shall not apply where the Notifying Manufacturer/Importer has already obtained and currently preserves a certificate set forth in the said paragraph pertaining to the matters listed in item 2 with respect to Specified Gas Equipment of the same model as that of the Specified Gas Equipment concerned, before the lapse of a period specified by a Cabinet Order for the respective category of Specified Gas Equipment from the day when the certificate was issued, or where the Notifying Manufacturer/Importer preserves any instrument specified by an Ordinance of the Ministry of Economy, Trade and Industry as being equivalent to the certificate set forth in the said paragraph.

- (i) The Specified Gas Equipment concerned.
  - (ii) Specified Gas Equipment for experimental purposes and inspection equipment to be used at the factory or workplace of the Notifying Manufacturer/Importer pertaining to the Specified Gas Equipment concerned, and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The person registered under the preceding paragraph may inspect the matters listed in the items of the said paragraph by a method specified by an Ordinance of the Ministry of Economy, Trade and Industry, and if these matters conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under paragraph 1 of the preceding Article or the standards established by an Ordinance of the Ministry of Economy, Trade and Industry with respect to the inspection equipment and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry that are listed in item 2 of the preceding paragraph, issue to the Notifying Manufacturer/Importer a certificate to that effect pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(Labeling)

Article 39-12 A Notifying Manufacturer/Importer may, when having performed, with respect to the conformity of the Gas Equipment categorized by the Model Pertaining to Notification to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39-10, paragraph 1, the obligation prescribed in paragraph 2 of the said Article (or the said paragraph or paragraph 1 of the preceding Article in the case of Specified Gas Equipment), affix labels to the Gas Equipment pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(Order for Improvement)

Article 39-13 The Minister of Economy, Trade and Industry may, when he/she finds that a Notifying Manufacturer/Importer is in violation of Article 39-10, paragraph 1, order the Notifying Manufacturer/Importer to take necessary measures to improve the methods for manufacturing, importing or inspecting Gas Equipment or other operational procedure.

(Prohibition of Labeling)

Article 39-14 The Minister of Economy, Trade and Industry may, in the cases listed in the following items, prohibit a Notifying Manufacturer/Importer from affixing labels under Article 39-12 to the Gas Equipment categorized by the Model Pertaining to Notification specified in the respective items, for a specified period not exceeding one year.

- (i) Where the Gas Equipment categorized by the Model Pertaining to Notification that is manufactured or imported by the Notifying Manufacturer/Importer (excluding, however, that manufactured or imported pursuant to the proviso of paragraph 1 of Article 39-10) does not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under the said paragraph, and the minister finds it particularly necessary to prohibit the labeling in order to prevent the occurrence of a disaster: the Model Pertaining to Notification by which the Gas Equipment that does not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under the said paragraph is categorized.
- (ii) Where the Notifying Manufacturer/Importer has violated Article 39-10, paragraph 2, or Article 39-11, paragraph 1, with respect to the Gas Equipment categorized by the Model Pertaining to Notification that is manufactured or imported by the Notifying Manufacturer/Importer: the Model Pertaining to Notification by which the Gas Equipment that pertains to the violation is categorized.
- (iii) Where the Notifying Manufacturer/Importer has violated the preceding Article with respect to the Gas Equipment categorized by the Model Pertaining to Notification that is manufactured or imported by the Notifying Manufacturer/Importer: the Model Pertaining to Notification by which the Gas Equipment that pertains to the violation is categorized.

#### **Section 4 Registration of Inspection Body**

(Registration)

- Article 39-14-2 (1) The registration set forth in Article 39-11, paragraph 1 shall be made, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, for the respective categories of Specified Gas Equipment specified by an Ordinance of the Ministry of Economy, Trade and Industry (hereinafter simply referred to as a "Specified Gas Equipment Category") upon application by a person who intends to conduct a Conformity Inspection.
- (2) Where the Minister of Economy, Trade and Industry has received an application set forth in the preceding paragraph, he/she may, when deeming it necessary, cause the National Institute of Technology and Evaluation (hereinafter referred to as the "NITE") to conduct the necessary investigation regarding whether or not the application conforms to the items of paragraph 1 of the next Article.

(Standards for Registration)

- Article 39-14-3 (1) The Minister of Economy, Trade and Industry shall register a

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

- (i) The Applicant for Registration conforms to the standards for product certification bodies established by the International Organization for Standardization and the International Electrotechnical Commission.
- (ii) The Applicant for Registration controlled by a Notifying Manufacturer/Importer that manufactures or imports the Specified Gas Equipment subject to a Conformity Inspection pursuant to Article 39-11, paragraph 1 (hereinafter referred to as a "Manufacturer/Importer Subject to Inspection" in this item, Article 39-15, paragraph 2, and Article 39-16, paragraph 2), falls under none of the following conditions.
  - (a) Where the Applicant for Registration is a business corporation, the Manufacturer/Importer Subject to Inspection is its parent corporation.
  - (b) Where more than half of the officers of the Applicant for Registration (or, in the case of a Partnership Corporation, officers in charge of its business) are officers or employees of the Manufacturer/Importer Subject to Inspection (including those who have been officers or employees of the Manufacturer/Importer Subject to Inspection in the past two years).
  - (c) Where the Applicant for Registration (or, in the case of a juridical person, its representative officer) is an officer or employee of the Manufacturer/Importer Subject to Inspection (or has been an officer or employee of the Manufacturer/Importer Subject to Inspection in the past two years).
- (2) The registration set forth in Article 39-11, paragraph 1 shall be made, with the following matters stated in the registry of Gas Equipment Inspection Bodies.
  - (i) The date of registration and registration number.
  - (ii) The name and address of the person registered, as well as the name of the representative if such person is a juridical person.
  - (iii) The category of the Specified Gas Equipment for which the registered person is to conduct a Conformity Inspection.
  - (iv) The name and location of the place of business where the registered person is to conduct a Conformity Inspection.

(Application Mutatis Mutandis)

Article 39-14-4 The provisions of Article 36-17 and Article 36-19 shall apply mutatis mutandis to the registration set forth in Article 39-11, paragraph 1. In this case, the term "Article 36-26" in Article 36-17, item 2 shall be deemed to

be replaced with "Article 36-26 as applied mutatis mutandis pursuant to Article 39-15, paragraph 2, or Article 39-17, paragraph 1."

### **Section 5 Domestic Registered Gas Equipment Inspection Body<sup>5</sup>**

(Obligation to Conduct Conformity Inspection, etc.)

Article 39-15 (1) A person registered under Article 39-11, paragraph 1 (limited, however, to such person registered for conducting Conformity Inspections at a place of business located in Japan; hereinafter referred to as a "Domestic Registered Gas Equipment Inspection Body") shall, without delay, conduct a Conformity Inspection when requested except where there are justifiable grounds not to do so.

(2) The provisions of Article 36-20, paragraph 2 and Articles 36-21 to 36-27 shall apply mutatis mutandis to a Domestic Registered Gas Equipment Inspection Body. In this case, the phrase "method specified by an Ordinance of the Ministry of Economy, Trade and Industry" in Article 36-20, paragraph 2 shall be deemed to be replaced with "a method that conforms to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39-10, paragraph 1," the term "Inspection" in Article 36-20, paragraph 2, Articles 36-21 to 36-23, and Articles 36-25 to 36-27 shall be deemed to be replaced with "Conformity Inspection," the term "Gas Supplier" in Article 36-23-2, paragraph 2 shall be deemed to be replaced with "Manufacturer/Importer Subject to Inspection," the phrase "the items of paragraph 1 of Article 36-18" in Article 36-24 shall be deemed to be replaced with "the items of paragraph 1 of Article 39-14-3," and the phrase "Article 36-2-2, paragraph 1" in Article 36-26, item 5 shall be deemed to be replaced with "Article 39-11, paragraph 1."

(Performance of Services for Conformity Inspections by the Minister of Economy, Trade and Industry, etc.)

Article 39-15-2 (1) The Minister of Economy, Trade and Industry may him/herself perform the whole or a part of the services for Conformity Inspections of a Domestic Registered Gas Equipment Inspection Body in the cases where: there is no person registered under Article 39-11, paragraph 1; notification of the suspension or abolition of the whole or a part of the services for Conformity Inspections has been given pursuant to Article 36-23 as applied mutatis mutandis pursuant to paragraph 2 of the preceding Article; the registration made under Article 39-11, paragraph 1 has been rescinded or an order has been issued to the Domestic Registered Gas Equipment Inspection Body to suspend or abolish the whole or a part of the services for Conformity Inspections pursuant to Article 36-26 as applied mutatis mutandis pursuant to

paragraph 2 of the preceding Article; it has become difficult for the Domestic Registered Gas Equipment Inspection Body to perform the whole or a part of the services for Conformity Inspections due to a disaster or otherwise; or the minister finds it necessary to do so for any other reasons.

- (2) The Minister of Economy, Trade and Industry may, when he/she finds it necessary in the case referred to in the preceding paragraph, cause the NITE to perform the whole or a part of the services for Conformity Inspections.
- (3) The transfer of the services for Conformity Inspections and other necessary matters, in the cases where the Minister of Economy, Trade and Industry performs the whole or a part of the services for Conformity Inspections him/herself or causes the NITE to perform the services pursuant to any of the preceding two paragraphs, shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

### **Section 6 Foreign Registered Gas Equipment Inspection Body**

(Obligation to Conduct Conformity Inspection, etc.)

Article 39-16 (1) A person registered under Article 39-11, paragraph 1 (limited, however, to such person registered for conducting Conformity Inspections at a place of business located in a foreign state; hereinafter referred to as a "Foreign Registered Gas Equipment Inspection Body") shall, without delay, conduct a Conformity Inspection when requested except where there are justifiable grounds not to do so.

- (2) The provisions of Article 36-20, paragraph 2, Articles 36-21 to 36-25, and Article 36-27 shall apply mutatis mutandis to a Foreign Registered Gas Equipment Inspection Body. In this case, the phrase "method specified by an Ordinance of the Ministry of Economy, Trade and Industry" in Article 36-20, paragraph 2 shall be deemed to be replaced with "a method that conforms to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39-10, paragraph 1," the term "Inspection" in Article 36-20, paragraph 2, Articles 36-21 to 36-23, Article 36-25, and Article 36-27 shall be deemed to be replaced with "Conformity Inspection," the term "Gas Supplier" in Article 36-23-2, paragraph 2 shall be deemed to be replaced with "Manufacturer/Importer Subject to Inspection," the phrase "the items of paragraph 1 of Article 36-18" in Article 36-24 shall be deemed to be replaced with "the items of paragraph 1 of Article 39-14-3," and the term "order" in Article 3-24 and Article 36-25 shall be deemed to be replaced with "request."

(Rescission of Registration, etc.)

Article 39-17 (1) Where a Foreign Registered Gas Equipment Inspection Body

falls under any of the following items, the Minister of Economy, Trade and Industry may rescind its registration.

- (i) Where the Foreign Registered Gas Equipment Inspection Body now falls under Article 36-17, item 1 or item 3 as applied mutatis mutandis pursuant to Article 39-14-4.
  - (ii) Where the Foreign Registered Gas Equipment Inspection Body has violated paragraph 1 of the preceding Article, or violated Article 36-20, paragraph 2, Article 36-21, Article 36-22, paragraph 1, Article 36-23, Article 36-23-2, paragraph 1, or Article 36-27, all of which shall be applied mutatis mutandis pursuant to paragraph 2 of the preceding Article.
  - (iii) Where the Foreign Registered Gas Equipment Inspection Body has refused the request made under the items of paragraph 2 of Article 36-23-2 as applied mutatis mutandis pursuant to paragraph 2 of the preceding Article without justifiable grounds.
  - (iv) Where the Foreign Registered Gas Equipment Inspection Body has not acted as requested under Article 36-24 or Article 36-25 as applied mutatis mutandis pursuant to paragraph 2 of the preceding Article.
  - (v) Where the Foreign Registered Gas Equipment Inspection Body has been registered under Article 39-11, paragraph 1 by wrongful means.
  - (vi) Where the Minister of Economy, Trade and Industry has requested the Foreign Registered Gas Equipment Inspection Body to suspend the whole or a part of the services for Conformity Inspections for a specified period on the grounds that the body falls under any of the preceding items, but the body has not suspended the services as requested.
  - (vii) Where the Minister of Economy, Trade and Industry has requested the Foreign Registered Gas Equipment Inspection Body to report its services on the grounds that such report is necessary, but the body has failed to make reports or made false reports.
  - (viii) Where the Minister of Economy, Trade and Industry has found it necessary and therefore attempted to cause officials of the Ministry of Economy, Trade and Industry to conduct an inspection regarding the matters prescribed in Article 47, paragraph 3 at the office or place of business of the Foreign Registered Gas Equipment Inspection Body, but the body has refused, obstructed or avoided<sup>6</sup> the inspection.
  - (ix) Where the Foreign Registered Gas Equipment Inspection Body does not bear the expenses prescribed in the next paragraph.
- (2) The expenses required for the inspection set forth in item 8 of the preceding paragraph (limited, however, to those specified by a Cabinet Order) shall be borne by the Foreign Registered Gas Equipment Inspection Body that undergoes the inspection.
- (3) The Minister of Economy, Trade and Industry may, when he/she finds it

necessary, cause the NITE to conduct the inspection set forth in paragraph 1, item 8.

- (4) The Minister of Economy, Trade and Industry shall, when he/she causes the NITE to conduct an inspection pursuant to the preceding paragraph, give instructions to the NITE with respect to the site subject to the inspection and other necessary matters.
- (5) The NITE shall, when having conducted an inspection prescribed in paragraph 3 as instructed under the preceding paragraph, report the inspection results to the Minister of Economy, Trade and Industry.

### **Section 7 Order of Disaster Prevention**

(Order of Disaster Prevention)

Article 39-18 Where there seems to be a risk of the occurrence of a gas disaster as a result of any of the causes listed in the following items, which might cause the death of or bodily harm to General Consumers, etc., the Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary in order to prevent the spreading of such a disaster, order the person prescribed in the respective items to collect the Gas Equipment that the person has sold or manufactured or take other necessary measures to prevent the spreading of the disaster caused by the Gas Equipment that might cause the death of or bodily harm to General Consumers, etc.

- (i) The person engaged in manufacturing, importing or selling Gas Equipment has, in violation of Article 39-3, paragraph 1, sold Gas Equipment.
- (ii) A Notifying Manufacturer/Importer has manufactured, imported or sold Gas Equipment categorized by the Model Pertaining to Notification, which does not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39-10, paragraph 1 (excluding, however, the cases where a Notifying Manufacturer/Importer has manufactured or imported the Gas Equipment pursuant to the proviso of the said paragraph).

### **Chapter VII Miscellaneous Provisions**

(Conditions Attached to License, etc.)

- Article 40 (1) Conditions may be attached to a license/permission or approval, and such conditions may be changed.
- (2) The conditions set forth in the preceding paragraph shall be limited to the minimum required for promoting public interest or ensuring successful implementation of the matters concerning the license/permission or approval, and shall not impose any unreasonable obligation on the person who is to

obtain the license/permission or approval.

(Publicity and Investigation on Gas Appliances)

- Article 40-2 (1) A Gas Supplier shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, publicize among persons who use machines or apparatuses designed for the consumption of gas (including auxiliary devices; hereinafter referred to as "Gas Appliances") the matters necessary for preventing the occurrence of any hazard arising from the use of gas.
- (2) A Gas Supplier shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, investigate whether or not the Gas Appliances pertaining to the gas that the Gas Supplier supplies conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply where the Gas Supplier is unable to obtain consent for the entry into the site where the Gas Appliances are installed or used from the owner or possessor of the appliances.
- (3) When a Gas Supplier finds, as a result of the investigation conducted under the preceding paragraph, that the Gas Appliances do not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under the said paragraph, the Gas Supplier shall, without delay, notify the owner or possessor of the appliances of the measures to be taken to ensure conformity to the technical standards and the possible consequences that might occur if such measures were not taken.
- (4) When a Gas Supplier is informed, by the users of the gas that the Gas Supplier supplies, that a disaster has occurred or is likely to occur from such gas, and is requested to take measures to cope with this, the Gas Supplier shall take such measures promptly. The same shall apply where a Gas Supplier becomes aware of such fact independently.
- (5) A Gas Supplier shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, keep books, state in such books the matters with respect to the affairs concerning the investigation under paragraph 2 and the notification under paragraph 3 specified by an Ordinance of the Ministry of Economy, Trade and Industry, and preserve such books.

(Order for Conformity to Standards)

Article 40-3 The Minister of Economy, Trade and Industry may, when he/she finds that Gas Appliances do not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under paragraph 2 of the preceding Article, order the owner or possessor to repair or alter the Gas Appliances to ensure conformity to the technical standards, or to relocate them.

(Obligation to Conform to Standards)

Article 40-4 A construction project to install or modify Gas Appliances shall be implemented so as to ensure that the Gas Appliances will conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 40-2, paragraph 2.

(Fee)

Article 41 (1) Any of the following persons shall pay the fee determined by a Cabinet Order in light of the actual cost.

- (i) A person who intends to take an examination for a chief gas engineer's license.
  - (ii) A person who intends to obtain a chief gas engineer's license.
  - (iii) A person who applies for the re-issuance of a chief gas engineer's license.
  - (iv) A person who intends to obtain a recognition under Article 32, paragraph 3, item 2.
  - (v) A person who intends to undergo an inspection conducted by the Minister of Economy, Trade and Industry pursuant to Article 37, paragraph 1.
  - (vi) A person who intends to undergo a Conformity Inspection conducted by the Minister of Economy, Trade and Industry pursuant to Article 39-15-2, paragraph 1, or a Conformity Inspection conducted by the NITE pursuant to paragraph 2 of the said Article.
- (2) The fee paid under the preceding paragraph shall be regarded as income of the Designated Examining Body where it is paid by the person who intends to obtain a chief gas engineer's license for which the Designated Examining Body administers Licensing Affairs as entrusted under Article 33-2, paragraph 1, or the person who intends to take an examination for a chief gas engineer's license for which the Designated Examining Body administers Examination Affairs, as income of the NITE where it is paid by the person who intends to undergo an inspection to be conducted by the NITE, or as national revenue where it is paid by other persons.

(Public Notice)

Article 41-2 In any of the following cases, the Minister of Economy, Trade and Industry shall make a public notice of the relevant matters in official gazettes.

- (i) Where the Minister has made a designation under Article 34, paragraph 3.
- (ii) Where the Minister has made a registration under Article 36-2-2, paragraph 1 or Article 39-11, paragraph 1.
- (iii) Where the Minister has granted permission under Article 36-6.
- (iv) Where the Minister has rescinded a designation pursuant to Article 36-13, or ordered the suspension of the whole or a part of the Examination Affairs

- pursuant to paragraph 2 of the said Article.
- (v) Where the Minister administers the whole or a part of the Examination Affairs him/herself pursuant to Article 36-15, paragraph 1, or ceases to administer the whole or a part of the Examination Affairs that he/she has administered him/herself.
  - (vi) Where the Minister has received a notification under Article 36-21 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2 or Article 39-16, paragraph 2).
  - (vii) Where the Minister has received a notification under Article 36-23 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2 or Article 39-16, paragraph 2).
  - (viii) Where the Minister has rescinded a registration or ordered the suspension of the services for Inspections or Conformity Inspections pursuant to Article 36-26 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2).
  - (ix) Where the Minister performs the whole or a part of the services for Inspections him/herself pursuant to Article 37, paragraph 1, or ceases to perform the whole or a part of the services for Inspections that he/she has performed him/herself.
  - (x) Where the Minister has prohibited labeling pursuant to Article 39-14.
  - (xi) Where the Minister performs the whole or a part of the services for Conformity Inspections him/herself pursuant to Article 39-15-2, paragraph 1, or ceases to perform the whole or a part of the services for Conformity Inspections that he/she has performed him/herself.
  - (xii) Where the Minister causes the NITE to perform the whole or a part of the services for Conformity Inspections pursuant to Article 39-15-2, paragraph 2, or ceases to cause the NITE to perform the whole or a part of the services for Conformity Inspections that the NITE has performed.
  - (xiii) Where the Minister has rescinded a registration pursuant to Article 39-17, paragraph 1.

(Use of Public Land)

Article 42 (1) A General Gas Utility, Community Gas Utility, Gas Pipeline Service Provider or a person conducting a Wholesale Gas Business (which means a business supplying a General Gas Utility with gas via pipelines; hereinafter the same shall apply) (these persons shall hereinafter be referred to as a "General Gas Utility, etc.") may, when it is necessary to install pipelines on or under a road, bridge, ditch, river, embankment or other public land in order to use such pipelines for the General Gas Utility Business, Community Gas Utility Business, Gas Pipeline Service Business or Wholesale Gas Business, use them with permission from the administrator thereof to the

extent that such use does not impair their usability.

- (2) In the case referred to in the preceding paragraph, the General Gas Utility, etc. shall pay a user's fee as determined by the administrator.
- (3) Where the administrator has refused to grant permission under paragraph 1 without justifiable grounds or the amount of the user's fee determined by the administrator is inappropriate, the Competent Minister (which means the minister in charge of administration of the road, bridge, ditch, river, embankment or other public land prescribed in the said paragraph; hereinafter the same shall apply in paragraph 5) may, upon application by the General Gas Utility, etc., grant permission or determine the amount of the user's fee.
- (4) The provisions of the preceding three paragraphs shall not apply to roads prescribed in the Road Act (Act No. 180 of 1952) nor to land areas on which roads are to be constructed as determined under Article 18, paragraph 1 of the said Act and accessories to roads constructed on such land.
- (5) In any of the following cases, the Competent Minister shall consult with the Minister of Economy, Trade and Industry in advance.
  - (i) Where the Competent Minister intends to grant permission for use or determine the amount of a user's fee pursuant to paragraph 3.
  - (ii) Where a General Gas Utility, etc. intends to occupy roads or land areas on which roads are to be constructed or accessories to roads constructed on such land as set forth in the preceding paragraph for the purpose of installing pipelines, and the Competent Minister intends to make an award or decision in response to a request for review of or objection to the determination of the amount of an occupation fee to be collected by the road administrator pursuant to Article 39, paragraph 1 of the Road Act (including the cases where it is applied mutatis mutandis pursuant to Article 91, paragraph 2 of the said Act) or the imposition of a condition to the permission or approval under Article 87, paragraph 1 of the said Act (including the cases where it is applied mutatis mutandis pursuant to Article 91, paragraph 2 of the said Act).

(Entry)

Article 43 (1) A General Gas Utility, Community Gas Utility and Gas Pipeline Service Provider may, when it is necessary in order to conduct the taking of measurements, field investigations or construction of Gas Facilities to be used for the General Gas Utility Business, Community Gas Utility Business or Gas Pipeline Service Business, enter another person's land with permission from the Minister of Economy, Trade and Industry.

- (2) The Minister of Economy, Trade and Industry shall, when having received an application for permission under the preceding paragraph, notify the owner and possessor of the land to that effect and provide them with the opportunity

to submit a written opinion.

- (3) A person who has obtained permission under paragraph 1 shall, when intending to use another person's land, notify the possessor of the land in advance.
- (4) A person who has obtained permission under paragraph 1 shall, when entering another person's land, carry a document certifying that that person has obtained permission from the Minister of Economy, Trade and Industry, and show such document to any person concerned.

(Clearing of Plants, etc.)

Article 44 (1) A General Gas Utility, Community Gas Utility and Gas Pipeline Service Provider may, when it is necessary in order to install or maintain pipelines to be used for the General Gas Utility Business, Community Gas Utility Business or Gas Pipeline Service Business, clear or transplant plants that would cause interference.

- (2) In the case referred to in the preceding paragraph, the General Gas Utility, Community Gas Utility or Gas Pipeline Service Provider shall consult with the owner of the plants. Where the parties concerned have failed to reach an agreement through consultation or hold any consultation at all, the Minister of Economy, Trade and Industry shall make an award.

(Compensation for Loss)

Article 45 (1) A General Gas Utility, Community Gas Utility and Gas Pipeline Service Provider shall, when having entered another person's land or cleared or transplanted another person's plants pursuant to any of the preceding two Articles, compensate for any loss actually incurred by the owner of the land or the plants or other persons concerned as a result of such entry, clearing or transplantation.

- (2) Where the parties concerned have failed to reach an agreement through consultation or hold any consultation at all, the prefectural governor who has jurisdiction over the land or the place where the plants causing interference are located shall make an award.
- (3) Either party that is dissatisfied with the amount of compensation determined by an award may, within six months from the day when the party is notified of the award, file a suit to request an increase or decrease of the amount.
- (4) The suit set forth in the preceding paragraph shall be filed against the General Gas Utility, Community Gas Utility or Gas Pipeline Service Provider, or the owner of the land or the plants, or any other persons concerned.

(Audit)

Article 45-2 The Minister of Economy, Trade and Industry shall audit the

businesses of General Gas Utilities and Gas Pipeline Service Providers every year.

(Collection of Reports)

- Article 46 (1) The Minister of Economy, Trade and Industry may, to the extent necessary<sup>7</sup> for the enforcement of this Act, pursuant to the provision of a Cabinet Order, cause a Gas Supplier, Quasi-Gas Supplier or person engaged in manufacturing, importing or selling Gas Equipment to report on their business.
- (2) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause a Designated Examining Body to report on its business.
- (3) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause a Registered Gas Facilities Inspection Body or Domestic Registered Gas Equipment Inspection Body to report on their business.

(On-site Inspection)

- Article 47 (1) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause officials of the Ministry of Economy, Trade and Industry to enter the business office or other office or other workplace of a Gas Supplier, Quasi-Gas Supplier or person engaged in manufacturing, importing or selling Gas Equipment, and inspect the books, documents, and any other articles of such supplier or person.
- (2) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause officials of the Ministry of Economy, Trade and Industry to enter the business office or other office of a Designated Examining Body, and inspect the books, documents, and any other articles of such body.
- (3) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause officials of the Ministry of Economy, Trade and Industry to enter the business office or other office of a Registered Gas Facilities Inspection Body or Domestic Registered Gas Equipment Inspection Body, and inspect the books, documents, and any other articles of such body.
- (4) The officials who conduct such an on-site inspection pursuant to the preceding three paragraphs shall carry a certificate of identification and show it to any person concerned.
- (5) The Minister of Economy, Trade and Industry may, when he/she finds it necessary, cause the NITE to conduct an on-site inspection under paragraph 1 (limited, however, to those concerning a person engaged in manufacturing, importing or selling Gas Equipment) or on-site inspection under paragraph 3

(limited, however, to those concerning a Domestic Registered Gas Equipment Inspection Body).

- (6) The Minister of Economy, Trade and Industry shall, when he/she causes the NITE to conduct an on-site inspection pursuant to the preceding paragraph, give instructions to the NITE with respect to the site subject to the on-site inspection and other necessary matters.
- (7) The NITE shall, when having conducted an on-site inspection prescribed in paragraph 5 as instructed under the preceding paragraph, report the inspection results to the Minister of Economy, Trade and Industry.
- (8) The employees of the NITE who conduct an on-site inspection pursuant to paragraph 5 shall carry a certificate of identification and show it to any person concerned.
- (9) The authority to conduct on-site inspections under paragraphs 1 to 3 shall not be construed as being vested for criminal investigation.

(Submission of Gas Equipment)

Article 47-2 (1) Where the Minister of Economy, Trade and Industry has caused officials of the Minister of Economy, Trade and Industry pursuant to paragraph 1 of the preceding Article or caused the NITE pursuant to paragraph 5 of the said Article to enter the business office or other office or other workplace of a person engaged in manufacturing, importing or selling Gas Equipment and conduct an inspection, and as a result, any Gas Equipment has been found that seems significantly difficult for the ministry officials or the NITE to inspect at the place where it is located, the Minister may order the owner or possessor of the equipment to submit it by a certain time limit.

- (2) The national government<sup>8</sup> (or the respective prefectural government in the case where the prefectural governor shall, pursuant to the provision of a Cabinet Order under Article 52, take charge of the affairs that fall within the authority of the Minister of Economy, Trade and Industry under the preceding paragraph) shall compensate the owner or possessor for any loss arising from the order issued under the said paragraph.
- (3) The loss to be compensated for under the preceding paragraph shall be any such loss that would generally arise from the order issued under paragraph 1.

(Order to NITE)

Article 47-3 The Minister of Economy, Trade and Industry may, when he/she finds it necessary in order to ensure the appropriate performance of the services for inspections prescribed in Article 39-17, paragraph 3, or those for on-site inspections prescribed in Article 47, paragraph 5, issue the necessary order to the NITE with respect to these services.

(Exclusion from Application of the High Pressure Gas Safety Act)

Article 47-4 The provisions of the High Pressure Gas Safety Act which relate to a business of manufacturing or selling high pressure gas and facilities for the manufacture or sale of high pressure gas shall not apply to a Gas Business and Gas Facilities.

(Notification, etc.)

Article 47-5 (1) The Minister of Economy, Trade and Industry shall, when having granted a license under Article 37-2 or permission under Article 13, paragraph 1 as applied mutatis mutandis pursuant to Article 37-7, paragraph 1, or rescinded a license pursuant to Article 14, paragraph 1 or paragraph 2 as applied mutatis mutandis pursuant to Article 37-7, paragraph 1, notify the Commissioner of the Fire and Disaster Management Agency to that effect.

(2) The Minister of Economy, Trade and Industry shall, when he/she intends to enact, revise or abolish an Ordinance of the Ministry of Economy, Trade and Industry set forth in Article 28, paragraph 1 as applied mutatis mutandis pursuant to Article 37-7, paragraph 1, hear opinions of the Commissioner of the Fire and Disaster Management Agency.

(Public Hearing)

Article 48 The Minister of Economy, Trade and Industry shall, when he/she intends to make a disposition pursuant to Article 3, Article 17, paragraph 1 or Article 18, paragraph 2, hold a public hearing to hear opinions of the public.

(Special Provisions for Hearing)

Article 49 (1) The Minister of Economy, Trade and Industry shall, when he/she intends to reduce the service area or the number of service points pursuant to Article 15, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1), or prohibit labeling pursuant to Article 39-14, hold a hearing irrespective of the categories of procedures for hearing statements of opinions prescribed in Article 13, paragraph 1 of the Administrative Procedure Act (Act No. 88 of 1993).

(2) Proceedings on the date of a hearing with respect to a disposition under Article 14, paragraph 1 or paragraph 2 or Article 15, paragraph 1 or paragraph 2 (including the cases where they are applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 36-13, Article 36-26 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2), Article 39-14, or Article 39-17, paragraph 1, shall be open to the public.

(Request for Review of Disposition, etc. Made by the NITE or Designated Examining Body)

Article 49-2 Any person who is dissatisfied with a disposition made by the NITE on a Conformity Inspection or made by a Designated Examining Body on the Examination Affairs (excluding, however, those on the examination results) or their inaction may make a request for review to the Minister of Economy, Trade and Industry pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

(Hearing of Opinions in Appeal Procedure)

Article 50 (1) An award or decision on a request for review or an objection with respect to a disposition made pursuant to this Act shall be made after giving advance notice of a reasonable period to the person subject to the disposition and holding a public hearing.

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

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

(Filing of Complaints)

Article 51 (1) Any person who has complaints about the gas supply from a General Gas Utility or a Community Gas Utility may file such complaints to the Minister of Economy, Trade and Industry, with a written explanation of the reasons attached thereto.

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

(Application for Inspection and Conformity Inspection, and Order of Minister of Economy, Trade and Industry)

Article 51-2 (1) A Gas Supplier may, where a Registered Gas Facilities Inspection Body does not inspect its Gas Facilities or the Gas Supplier has objections to the results of the inspection by a Registered Gas Facilities Inspection Body, file an application in order to request that the Minister of Economy, Trade and Industry order the Registered Gas Facilities Inspection Body to conduct an inspection at least one or more times.

(2) Where the Minister of Economy, Trade and Industry has received an application under the preceding paragraph, he/she shall, when finding that the Registered Gas Facilities Inspection Body pertaining to the application is in violation of Article 36-20, issue an order under Article 36-25 to the Registered Gas Facilities Inspection Body pertaining to the application.

(3) In the case referred to in the preceding paragraph, the Minister of Economy,

Trade and Industry shall, when he/she has issued an order under Article 36-25 or decided not to issue an order, notify the Gas Supplier that has filed the application to that effect without delay.

(4) The provisions of the preceding three paragraphs shall apply mutatis mutandis to a Conformity Inspection conducted by a Domestic Registered Gas Equipment Inspection Body. In this case, the phrase "A Gas Supplier may, where a Registered Gas Facilities Inspection Body does not inspect its Gas Facilities or the Gas Supplier has objections" in paragraph 1 shall be deemed to be replaced with "A Notifying Manufacturer/Importer may, where a Registered Gas Facilities Inspection Body does not inspect the Specified Gas Equipment that the Notifying Manufacturer/Importer manufactures or imports, or where the Notifying Manufacturer/Importer has objections," the term "inspection" in paragraph 1 shall be deemed to be replaced with "Conformity Inspection," the term "Article 36-20" in paragraph 2 shall be deemed to be replaced with "Article 39-15, paragraph 1, or Article 36-20, paragraph 2 as applied mutatis mutandis pursuant to Article 39-15, paragraph 2," the term "Article 36-25" in paragraph 2 and the preceding paragraph shall be deemed to be replaced with "Article 36-25 as applied mutatis mutandis pursuant to Article 39-15, paragraph 2," and the term "Gas Supplier" in the preceding paragraph shall be deemed to be replaced with "Notifying Manufacturer/Importer."

(5) The provisions of paragraphs 1 to 3 shall apply mutatis mutandis to a Conformity Inspection conducted by a Foreign Registered Gas Equipment Inspection Body. In this case, the phrase "A Gas Supplier may, where a Registered Gas Facilities Inspection Body does not inspect its Gas Facilities or the Gas Supplier has objections" in paragraph 1 shall be deemed to be replaced with "A Notifying Manufacturer/Importer may, where a Registered Gas Facilities Inspection Body does not inspect the Specified Gas Equipment that the Notifying Manufacturer/Importer manufactures or imports, or where the Notifying Manufacturer/Importer has objections," the term "inspection" in paragraph 1 shall be deemed to be replaced with "Conformity Inspection," the term "order" in paragraph 1 shall be deemed to be replaced with "request," the term "Article 36-20" in paragraph 2 shall be deemed to be replaced with "Article 39-16, paragraph 1, or Article 36-20, paragraph 2 as applied mutatis mutandis pursuant to Article 39-16, paragraph 2," the term "Article 36-25" in paragraph 2 and the preceding paragraph shall be deemed to be replaced with "Article 36-25 as applied mutatis mutandis pursuant to Article 39-16, paragraph 2," the term "issue an order" in paragraph 2 and the preceding paragraph shall be deemed to be replaced with "make a request," and the term "Gas Supplier" in the preceding paragraph shall be deemed to be replaced with "Notifying Manufacturer/Importer."

(Transitional Measures)

Article 51-3 When enacting, revising or abolishing a Cabinet Order or Ordinance of the Ministry of Economy, Trade and Industry pursuant to this Act, necessary transitional measures may be provided for by a Cabinet Order or an Ordinance of the Ministry of Economy, Trade and Industry to the extent considered reasonably necessary for the enactment, revision or abolition.

(Affairs Administered by Prefectural Governments)

Article 52 Part of the affairs within the authority of the Ministry of Economy, Trade and Industry prescribed in this Act may be administered by prefectural governors pursuant to the provision of a Cabinet Order.

(Delegation of Authority)

Article 52-2 The authority of the Ministry of Economy, Trade and Industry under this Act may be delegated to the Director of a Regional Bureau of Economy, Trade and Industry or the Director of a Regional Industrial Safety and Inspection Department pursuant to the provision of a Cabinet Order.

(Instructions of Minister of Economy, Trade and Industry)

Article 52-3 Where there seems to be a risk of the occurrence of a gas disaster as a result of any of the causes listed in the items of Article 39-18, which might cause the death of or bodily harm to General Consumers, etc., the Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary in order to prevent the spreading of such a disaster, give prefectural governors the necessary instructions to prevent the spreading of the disaster with respect to the affairs to be administered by the prefectural governors pursuant to the provision of a Cabinet Order under Article 52.

## **Chapter VIII Penal Provisions**

Article 53 (1) A person who has damaged Gas Facilities or caused interference with the functioning of Gas Facilities, thereby obstructing gas supply, shall be punished by imprisonment with work for not more than five years or a fine of not more than one million yen.

(2) A person who has operated Gas Facilities without due cause, thereby obstructing gas supply, shall be punished by imprisonment with work for not more than two years or a fine of not more than 500,000 yen.

(3) The same punishment shall be imposed where a person engaged in a Gas Business has not performed, without justifiable grounds, the services to maintain or operate Gas Facilities, thereby causing interference with gas

supply.

(4) Attempt of the offenses prescribed in paragraph 1 and paragraph 2 shall be punished.

Article 54 A person who has modified Gas Facilities without due cause and without the consent of a Gas Supplier shall be punished by a fine of not more than 500,000 yen.

Article 55 A person who has conducted a General Gas Utility Business or Community Gas Utility Business without a license under Article 3 or Article 37-2 shall be punished by imprisonment with work for not more than three years or a fine of not more than three million yen, or both.

Article 56 A person who falls under any of the following items shall be punished by imprisonment with work for not more than two years or a fine of not more than three million yen, or both.

- (i) A person who has suspended or abolished the whole or a part of the General Gas Utility Business or Community Gas Utility Business without permission under Article 13, paragraph 1 (including the cases where it is applied *mutatis mutandis* pursuant to Article 37-7, paragraph 1).
- (ii) A person who has, in violation of Article 16, paragraph 1 or Article 37-6, paragraph 1, refused to supply gas.
- (iii) A person who has, in violation of Article 16, paragraph 2 or Article 37-6, paragraph 2, supplied gas.

Article 56-2 A person who falls under any of the following items shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen, or both.

- (i) A person who has violated an order of suspension of the services for Inspections or Conformity Inspections issued under Article 36-26 (including the cases where it is applied *mutatis mutandis* pursuant to Article 39-15, paragraph 2).
- (ii) A person who has violated Article 39-3, paragraph 1.
- (iii) A person who has, in violation of Article 39-4, affixed labels.
- (iv) A person who has violated prohibition under Article 39-14 (limited, however, to the part concerning item 1).
- (v) A person who has violated an order issued under Article 39-18.

Article 56-3 A person who has violated Article 33-2, paragraph 2 or Article 36-11, paragraph 1 shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 56-4 In the event of violation of an order of suspension of Examination Affairs issued under Article 36-13, paragraph 2, the officers or employees concerned at the Designated Examining Body that has committed the violation shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 57 A person who falls under any of the following items shall be punished by a fine of not more than three million yen.

- (i) A person who has violated an order issued under Article 9, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 17, paragraph 5 or paragraph 8 (including the cases where they are applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 22, paragraph 4 or paragraph 6 (including the cases where they are applied mutatis mutandis pursuant to Article 37-8), Article 22-2, paragraphs 3 to 5 (including the cases where they are applied mutatis mutandis pursuant to Article 37-8), Article 22-4, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8), Article 22-5, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to paragraph 8 of the said Article), Article 23, paragraph 4, Article 25-2, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, Article 37-8, and Article 37-10), Article 25-2, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 37-7-2, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to paragraph 8 of the said Article), or Article 37-7-3, paragraph 4 (including the cases where it is applied mutatis mutandis pursuant to Article 37-9, paragraph 2).
- (ii) A person who has, in violation of Article 20, Article 22, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8), Article 22-2, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8), or Article 37-6-2, supplied gas.
- (iii) A person who has violated an order issued or a disposition made under Article 28, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, Article 37-8, and Article 37-10).
- (iv) A person who has, in violation of Article 31, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, Article 37-8, Article 37-10, and Article 38, paragraph 2), failed to appoint a chief gas engineer.

Article 58 A person who falls under any of the following items shall be punished by a fine of not more than one million yen.

- (i) A person who has failed to give a notification under Article 9, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 22-5, paragraph 7, or Article 37-7-2, paragraph 7, or given a false notification.
- (ii) A person who has violated Article 9, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 22-5, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to paragraph 8 of the said Article), or Article 37-7-2, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to paragraph 8 of the said Article).
- (iii) A person who has, in violation of Article 21 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, Article 37-8, and Article 37-10) or Article 29 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8 and Article 37-10), failed to make records or made false records, or failed to preserve records.
- (iv) A person who has, without giving a notification under Article 22-5, paragraph 1 or Article 37-7-2, paragraph 1, or having given a false notification, conducted a Gas Pipeline Service Business.
- (v) A person who has, in violation of Article 22-5, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to paragraph 8 of the said Article) or Article 37-7-2, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to paragraph 8 of the said Article), failed to submit the necessary documents or submitted documents containing false statements.
- (vi) A person who has, in violation of Article 23, paragraph 1 or paragraph 2, Article 37-7-3, paragraph 1 or paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-9, paragraph 2) or Article 37-9, paragraph 1, provided a Large-Volume Supply.
- (vii) A person who has violated an order issued or a disposition made under Article 28, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, Article 37-8, Article 37-10, and Article 38, paragraph 2).
- (viii) A person who has, in violation of an order issued under Article 36-2, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8, Article 37-10, and Article 38, paragraph 2), implemented a construction project to install or modify Gas Facilities.
- (ix) A person who has, in violation of Article 36-2-2, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 2, Article 37-8, and Article 37-10), used Gas Facilities.

(x) A person who has violated Article 40-4.

Article 59 A person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen.

- (i) A person who has failed to give a notification under Article 7, paragraph 4 (including the cases where it is applied mutatis mutandis pursuant to Article 8, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1) and Article 37-7, paragraph 1), Article 11, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, and Article 37-8), Article 22, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to paragraph 2 of the said Article (including the cases where it is applied mutatis mutandis pursuant to Article 37-8) and Article 37-8), Article 22-2, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8), Article 25, paragraph 1 or paragraph 2, Article 30, paragraph 1 or paragraph 2 (including the cases where they are applied mutatis mutandis pursuant to Article 37-7, paragraph 3, Article 37-8, and Article 37-10), Article 31, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, Article 37-8, Article 37-10, and Article 38, paragraph 2), Article 36-2, paragraph 7 or paragraph 8 (including the cases where they are applied mutatis mutandis pursuant to Article 37-8, Article 37-10, and Article 38, paragraph 2), Article 36-23 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2), Article 37-7-2, paragraph 9, or Article 39, or given a false notification.
- (ii) A person who has violated Article 19 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 22, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8), or Article 25, paragraph 3.
- (iii) A person violated an order issued under Article 30, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 3, Article 37-8, and Article 37-10), Article 36 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1, Article 37-8, Article 37-10, and Article 38, paragraph 2), Article 40-3, or Article 47-2, paragraph 1.
- (iv) A person who has, in violation of Article 36-2, paragraphs 1 to 3 (including the cases where they are applied mutatis mutandis pursuant to Article 37-8, Article 37-10, and Article 38, paragraph 2), implemented a construction project to install or modify Gas Facilities.
- (v) A person who has, in violation of Article 36-2-2, paragraph 3 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7,

paragraph 2, Article 37-8, and Article 37-10), Article 36-2-4 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8 and Article 37-10), or Article 39-10, paragraph 2, failed to make inspection records or made false inspection records, or failed to preserve inspection records.

- (vi) A person who has, in violation of Article 36-27 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2), failed to state in the books the matters prescribed in Article 36-27 or made false statements, or failed to preserve the books.
- (vii) A person who has, without giving a notification under Article 24 or Article 37-7-4 (including the cases where it is applied mutatis mutandis pursuant to Article 38, paragraph 1), supplied gas.
- (viii) A person who has given a false notification as a notification to be given under Article 39-5.
- (ix) A person who has, in violation of Article 39-11, paragraph 1, failed to obtain or preserve a certificate.
- (x) A person who has, in violation of Article 40-2, paragraph 5, failed to state in the books the matters prescribed in the said paragraph or made false statements, or failed to preserve the books.
- (xi) A person who has failed to make reports under Article 46, paragraph 1 or paragraph 3, or made false reports.
- (xii) A person who has refused, obstructed or avoided the inspection under Article 47, paragraph 1 or paragraph 3.

Article 59-2 In any of the following cases of violation, the officers or employees concerned at the Designated Examining Body that has committed the violation shall be punished by a fine of not more than 300,000 yen.

- (i) Where the Designated Examining Body has abolished the whole of the Examination Affairs without obtaining permission under Article 36-6.
- (ii) Where the Designated Examining Body has, in violation of Article 36-14, failed to state the necessary matters in the books or made false statements, or failed to preserve the books.
- (iii) Where the Designated Examining Body has failed to make reports under Article 46, paragraph 2, or made false reports.
- (iv) Where the Designated Examining Body has refused, obstructed or avoided the inspection under Article 47, paragraph 2.

Article 60 Where the representative of a juridical person or an agent, employee or other worker of a juridical person or an individual has, with regard to the business of the juridical person or individual, committed the violations prescribed in the following items, not only shall the offender be punished but

also the juridical person shall be punished by the fine prescribed in the respective items or the individual shall be punished by the fine prescribed in the respective Articles.

(i) Article 56-2 (limited, however, to the parts concerning item 4 and item 5):

Fine of not more than 100 million yen.

(ii) Article 55 to Article 56-2 (excluding, however, the parts concerning item 4 and item 5) or Articles 57 to 59: Fines prescribed in the respective Articles.

Article 60-2 A person who falls under any of the following items shall be punished by a civil fine of not more than one million yen.

(i) A person who has violated Article 22-3, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8), Article 26, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1 and Article 37-8) or Article 26-2, paragraph 1.

(ii) A person who has, in violation of Article 22-3, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8), failed to publicize necessary matters or publicized false matters.

(iii) A person who has failed to submit documents under Article 26, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-8) or Article 26-2, paragraph 2, or submitted false documents.

(iv) A person who has violated an order issued under Article 27.

Article 61 A person who falls under any of the following items shall be punished by a civil fine of not more than 200,000 yen.

(i) A person who has failed to give a notification under Article 9, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1), Article 39-6, paragraph 2, Article 39-7, or Article 39-8, or given a false notification.

(ii) A person who has, in violation of Article 36-23-2, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2), failed to keep Financial Statements, etc., failed to state the necessary matters in the Financial Statements, etc. or made false statements, or refused the request made under the items of paragraph 2 of Article 36-23-2 (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2) without justifiable grounds.

Article 62 In the event of violation of an order issued under Article 47-3, the officers concerned at the NITE that has committed the violation shall be punished by a civil fine of not more than 200,000 yen.

**Supplementary Provisions [Extract]**

- (1) This Act shall come into force as from April 1, 1954.
- (2) Any dispositions, procedures or other acts conducted pursuant to the provisions of the old Public Welfare Undertaking Order (Cabinet Order No. 343 of 1950) under the Act on Temporary Measures Concerning Electricity and Gas (Act No. 341 of 1952) shall, if this Act contains provisions corresponding to such provisions, be deemed to have been conducted under the relevant provisions of this Act.
- (5) A Class-A License or Class-B License granted pursuant to the provision of Article 45 of the old Ordinance for Enforcement of the Gas Business Act (Ordinance of the Ministry of Commerce and Industry and Ordinance of the Ministry of Internal Affairs of 1925) under Article 1, paragraph 1 of the Ordinance for Enforcement of the Act on Temporary Measures Concerning Electricity and Gas (Ordinance of the Ministry of International Trade and Industry No. 99 of 1952) shall be deemed to be a Class-A Chief Gas Engineer's License or Class-B Chief Gas Engineer's License granted pursuant to the respective provisions of this Act.

**Supplementary Provisions [Extract from Act No. 113 of June 30, 1960]  
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from July 1, 1960.

**Supplementary Provisions [Extract from Act No. 140 of May 16, 1962]  
[Extract]**

(1) This Act shall come into force as from October 1, 1962.

**Supplementary Provisions [Extract from Act No. 161 of September 15,  
1962] [Extract]**

(1) This Act shall come into force as from October 1, 1962.

**Supplementary Provisions [Extract from Act No. 98 of June 30, 1966]  
[Extract]**

(Effective Date)

(1) This Act shall come into force as from July 1, 1966.

**Supplementary Provisions [Extract from Act No. 18 of April 13, 1970]  
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation

Article 5 With regard to the application of the provision of Article 27-4 after the revision to Gas Facilities to be used for a General Gas Utility Business prescribed in Article 2, paragraph 1 after the revision, for which a construction project for installation or modification has been commenced prior to the enforcement of this Act, the phrase "according to the construction plan approved under Article 27-2, paragraph 1 or paragraph 2 (including such plan following any minor revision specified by an Ordinance of the Ministry of International Trade and Industry under the proviso of the said paragraph" in Article 27-4, paragraph 2, item 1 shall be deemed to be replaced with "in the case of the construction project to install or modify Gas Facilities pertaining to the license or permission obtained under Article 3 or Article 8, paragraph 1 prior to the revision by the Act for Partial Revision of the Gas Business Act (Act No. 18 of 1970), in a manner for which the license or permission has been obtained under Article 3 or Article 8, paragraph 1 prior to the revision by the said Act, or in the case of such project pertaining to the permission obtained under the said paragraph after the revision by the said Act, in a manner for which the permission has been obtained under the said paragraph after the revision by the said Act."

(Application of Penal Provisions)

Article 8 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act with respect to a business equivalent to a Community Gas Utility Business prescribed in Article 2, paragraph 3 after the revision in the cases where the provisions then in force shall remain applicable pursuant to Article 2, paragraph 1 of the Supplementary Provisions, the provisions then in force shall remain applicable.

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

(Effective Date)

(1) This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation

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

(Effective Date)

- (1) This Act shall come into force as from the date of promulgation; provided, however, that the provision in Article 1 to revise Article 11, paragraph 1 of the Act on Real Estate Appraisal, the provisions of Article 2, Article 3, Article 5, and Article 6, the provision in Article 19 to revise Article 107, paragraph 1 of the Patent Act, the provision in Article 20 to revise Article 31, paragraph 1 of the Utility Model Act, the provision in Article 21 to revise Article 42, paragraph 1 and paragraph 2 of the Design Act, the provision in Article 22 to revise Article 40, paragraph 1 and paragraph 2 of the Trademark Act, the provision in Article 28 to revise Article 5, paragraph 2 of the Guide Interpreter Act, and the provisions of Article 29 and Article 30 shall come into force as from May 1, 1978.

**Supplementary Provisions [Extract from Act No. 85 of July 3, 1978]  
[Extract]**

(Effective Date)

- Article 1 This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however that the provisions listed in the following items shall come into force as from the dates prescribed in the respective items.
- (i) The provisions to revise items 1 to 4 and item 5 of the table under Article 86, paragraph 1, the provision to revise item 6 of the said table (excluding, however, the part revising "Liquefied Petroleum Gas Equipment, etc." to "First-Class Liquefied Petroleum Gas Equipment, etc.," the provisions to revise items 7 to 10 of the said table, and the provision of Article 6 of the Supplementary Provisions: the date of promulgation.
- (ii) The part of the provisions for revision to add a chapter following Chapter 4, which relates to Articles 38-7 to 38-13, the provision to revise Article 82, paragraph 1, and the provision to revise Article 83, paragraph 2: the date specified by a Cabinet Order within a period not exceeding three years and three months from the date of promulgation

**Supplementary Provisions [Extract from Act No. 33 of May 10, 1979]**

(Effective Date)

- (1) This Act shall come into force as from the date specified by a Cabinet Order

within a period not exceeding six months from the date of promulgation; provided, however that the provisions of Article 3, Article 4, paragraph 2 and paragraph 3, Article 5, and Article 7 shall come into force as from the date specified by a Cabinet Order within a period not exceeding two years and six months from the date of promulgation.

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

(Effective Date)

(1) This Act shall come into force as from the date of promulgation.

**Supplementary Provisions [Extract from Act No. 57 of May 25, 1983]  
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however that the provision of Article 8 shall come into force as from the date specified by a Cabinet Order under Article 1 of the Supplementary Provisions of the Act for Partial Revision of the Fertilizer Control Act (Act No. 40 of 1983).

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

(Effective Date)

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

(i) to (iv) Omitted

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

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

Article 10 With regard to a notification under Article 27-3, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 38) of the Gas Business Act prior to the revision by Article 39, which has been made prior to the enforcement of Article 39, a notification of the revision of the construction plan pertaining to such notification, and an order to revise or abolish the construction plan pertaining to these notifications, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

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

**Supplementary Provisions [Extract from Act No. 23 of May 1, 1984]  
[Extract]**

(Effective Date)

(1) This Act shall come into force as from the day when 20 days have elapsed since the date of promulgation.

**Supplementary Provisions [Extract from Act No. 102 of December 24,  
1985] [Extract]**

(Effective Date)

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

(i) to (iii) Omitted

(iv) The provision of Article 12: the date specified by a Cabinet Order within a period not exceeding three months from the date of promulgation.

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

Article 5 Where, prior to the enforcement of Article 12, a Cabinet Order under Article 39-2, paragraph 2 of the Gas Business Act revised by Article 12 is to be drafted, Article 48 of the Gas Business Act shall apply.

(Transitional Measures Concerning Penal Provisions)

Article 8 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions) as well as any acts committed after the enforcement of Article 11 in the cases where the provisions then in force shall remain applicable pursuant to Article 4 of the Supplementary Provisions, the provisions then in force shall remain applicable.

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

(Effective Date)

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

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

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

(Transitional Measures Concerning Penal Provisions)

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

(Transitional Measures upon Arrangement of Provisions on Hearings)

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

(Delegation to Cabinet Order)

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

**Supplementary Provisions [Extract from Act No. 42 of June 24, 1994]  
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding nine months from the date of promulgation

(Transitional Measures)

Article 2 The provision of Article 25-2 of the Gas Business Act revised by this Act (hereinafter referred to as the "New Act") shall not apply to a business plan for a Large-Volume Supply for the business year that contains the date of enforcement of this Act.

Article 3 A person who has passed a national examination for a chief gas engineer's license conducted under Article 34 of the Gas Business Act prior to the revision by this Act (hereinafter referred to as the "Old Act") shall be deemed to have passed an examination for a chief gas engineer's license conducted under Article 34 of the New Act.

Article 4 Gas rates and other supply conditions which have been approved under Article 24, paragraph 1 of the Old Act shall be deemed to have been approved under Article 37-11, paragraph 1 of the New Act.

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

**Supplementary Provisions [Extract from Act No. 14 of March 31, 1996]  
[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from April 1, 1997.

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

(Effective Date)

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

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

Article 16 The provisions of Article 80-2, paragraph 2 and paragraph 3 of the Liquefied Petroleum Gas Act as applied mutatis mutandis pursuant to Article 39-21, paragraph 1 and paragraph 2 of the Gas Business Act revised by Article 15 shall not apply, where an assignment of the whole of a business or inheritance or merger has taken place prior to the enforcement of Article 15, to the assignee of the whole of the business, the heir (in the case where one particular heir has been selected from among two or more heirs as the successor of the business by consent of all heirs, such selected heir), or the juridical person surviving after the merger or the juridical person newly established upon the merger.

(Transitional Measures Concerning Penal Provisions)

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

(Delegation to Cabinet Order)

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

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

#### **[Extract]**

(Effective Date)

Article 1 This Act shall come into force as from March 21, 2000; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed in the respective items.

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

paragraph 10" to "Article 2, paragraph 12"), Article 30, and Article 31 (limited, however, to the part revising Article 18, paragraph 1 of the Vibration Regulation Act (Act No. 64 of 1976) by revising "Article 2, paragraph 10" to "Article 2, paragraph 12") in the Supplementary Provisions: the date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation.

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

- Article 8 (1) With regard to the change of the matters listed in Article 6, paragraph 2, item 4 of the Gas Business Act prior to the revision by Article 2 (hereinafter referred to as the "Old Gas Act"), for which permission has been obtained pursuant to Article 8, paragraph 1 of the Old Gas Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1 of the Old Gas Act), it shall be deemed that notification has been given pursuant to Article 9, paragraph 1 of the Gas Business Act revised by Article 2 (hereinafter referred to as the "New Gas Act") (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1 of the New Gas Act).
- (2) An application for permission filed under Article 8, paragraph 1 of the Old Gas Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1 of the Old Gas Act) prior to the enforcement of Article 2 shall be deemed to be a notification given pursuant to Article 9, paragraph 1 of the New Gas Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1 of the New Gas Act).
- (3) General supply provisions approved under Article 17, paragraph 1 of the Old Gas Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1 of the Old Gas Act) prior to the enforcement of Article 2 shall be deemed to be general supply provisions approved under Article 17, paragraph 1 of the New Gas Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 1 of the New Gas Act).
- (4) Gas rates and other supply conditions approved under the proviso of Article 20 of the Old Gas Act shall be deemed, if the General Gas Utility that has obtained that approval obtains additional approval from the Minister of International Trade and Industry within six months from the date of enforcement of Article 2 (hereinafter referred to as the "Date of Partial Enforcement") pursuant to the provision of an Ordinance of the Ministry of International Trade and Industry, to have been approved under the proviso of Article 20 of the New Gas Act.
- (5) A General Gas Utility may, within six months from the Date of Partial Enforcement, supply gas under the rates and other supply conditions approved

under the proviso of Article 20 of the Old Gas Act, without obtaining approval under the proviso of Article 20 of the New Gas Act.

- (6) Gas rates and other supply conditions approved under the proviso of Article 20 of the Old Gas Act as applied mutatis mutandis pursuant to Article 37-7, paragraph 1 of the Old Gas Act shall be deemed, if the Community Gas Utility that has obtained that approval obtains additional approval from the Minister of International Trade and Industry within six months from the Date of Partial Enforcement pursuant to the provision of an Ordinance of the Ministry of International Trade and Industry, to have been approved under the proviso of Article 37-6-2 of the New Gas Act.
- (7) A Community Gas Utility may, within six months from the Date of Partial Enforcement, supply gas under the rates and other supply conditions approved under the proviso of Article 20 of the Old Gas Act as applied mutatis mutandis pursuant to Article 37, paragraph 1 of the Old Gas Act, without obtaining approval under the proviso of Article 37-6-2 of the New Gas Act.
- (8) Gas rates and other supply conditions set out in a supply agreement approved under Article 22, paragraph 1 of the Old Gas Act prior to the enforcement of Article 2, which can be regarded as gas rates and other supply conditions for a wholesale supply subject to Article 22, paragraph 1 of the New Gas Act, shall be deemed to be gas rates and other supply conditions for which notification was given pursuant to Article 22, paragraph 1 of the New Gas Act.
- (9) An application for approval of a supply agreement filed under Article 22 paragraph 1 of the Old Gas Act prior to the enforcement of Article 2, which relates to a wholesale supply subject to Article 22, paragraph 1 of the New Gas Act, shall be deemed to be a notification of gas rates and other supply conditions given pursuant to Article 22, paragraph 1 of the New Gas Act.
- (10) Gas rates and other supply conditions approved under Article 37-11, paragraph 1 of the Old Gas Act prior to the enforcement of Article 2, which relate to a wholesale supply subject to Article 37-11, paragraph 1 of the New Gas Act, shall be deemed to be gas rates and other supply conditions for which notification was given pursuant to Article 37-11, paragraph 1 of the New Gas Act.
- (11) An application for approval of gas rates and other supply conditions filed under Article 37-11 paragraph 1 of the Old Gas Act prior to the enforcement of Article 2, which relate to a wholesale supply subject to Article 37-11, paragraph 1 of the New Gas Act, shall be deemed to be a notification given pursuant to Article 37-11, paragraph 1 of the New Gas Act.

Article 9 Any dispositions, procedures or other acts conducted prior to the Date of Partial Enforcement pursuant to the provisions of the Old Gas Act or any order issued thereunder shall, if the New Gas Act or any order issued

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

(Transitional Measures Concerning Penal Provisions)

Article 10 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions listed in Article 1, item 2 of the Supplementary Provisions), the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 11 In addition to what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

(Review)

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

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

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2000; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed in the respective items.

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

10, Article 12, proviso of Article 59, Article 60, paragraph 4 and paragraph 5, Article 73, Article 77, Article 157, paragraphs 4 to 6, Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation.

(Affairs of the State, etc.)

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

(Transitional Measures Concerning Dispositions, Applications, etc.)

Article 160 (1) With respect to dispositions to grant licenses or permission, etc. and other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article and Article 163 of the Supplementary Provisions), pursuant to the respective Acts prior to the revision (hereinafter referred to as "Dispositions and Other Acts" in this Article) or applications for licenses or permission, etc. and other acts conducted, prior to the enforcement of this Act, pursuant to the respective Acts prior to the revision (hereinafter referred to as "Applications and Other Acts" in this Article), if administrative affairs pertaining to these acts come under the jurisdiction of different persons on the date of enforcement of this Act, these acts, except those prescribed in Article 2 to the preceding Article in the Supplementary Provisions or in the provisions of the respective revised Acts (including orders issued thereunder) concerning transitional measures, shall be deemed, with regard to the application of the respective revised Acts after the date of enforcement of this Act, as Dispositions and Other Acts or Applications and Other Acts conducted pursuant to the relevant provisions of the respective revised Acts.

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

notification, submission or other procedures have not yet been conducted with respect to matters for which such procedures shall be conducted before the organs of the State or local public entities pursuant to the relevant provisions of the respective revised Acts.

(Transitional Measures Concerning Appeal)

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

(2) In the case referred to in the preceding paragraph, where the administrative agencies that shall be deemed to be Higher Administrative Agencies are organs of local public entities, the affairs to be handled by the organs pursuant to the provisions of the Administrative Appeal Act shall be Item 1 Statutory Entrusted Affairs prescribed in Article 2, paragraph 9, item 1 of the new Local Autonomy Act.

(Transitional Measures Concerning Fees)

Article 162 With regard to fees payable prior to the Date of Enforcement pursuant to the provisions of the respective Acts prior to the revision by this Act (including orders issued thereunder), except those otherwise provided by this Act or a Cabinet Order enacted thereunder, the provisions then in force shall remain applicable.

(Transitional Measures Concerning Penal Provisions)

Article 163 With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) In addition to what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) shall be specified by a Cabinet Order.

(2) Any necessary matters concerning the application of the provisions of Article 18, Article 51, and Article 184 of the Supplementary Provisions shall be specified by a Cabinet Order.

(Review)

Article 250 Item 1 Statutory Entrusted Affairs prescribed in Article 2, paragraph 9, item 1 of the new Local Autonomy Act shall, in addition, be created to the minimum possible extent, and such affairs listed in Appended Table I of the new Local Autonomy Act and those provided for by a Cabinet Order enacted under the new Local Autonomy Act shall be examined from the perspective of promoting decentralization and be reviewed as appropriate.

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

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

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

(Effective Date)

Article 1 This Act shall come into force as from July 1, 2000; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed in the respective items.

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

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

(iii) The provisions of Article 1 and Article 2, the provision in Article 4 to revise Article 59-9, item 6, Article 59-28, paragraph 1, item 5, Article 59-29, paragraph 3, and Article 59-30 of the High Pressure Safety Act, the provision of Article 11, and the provisions of Articles 3 to 7, Articles 9 to 13, Articles 15 to 22, Article 24, Article 30, Articles 53 to 65, Article 67, and Article 78 of the Supplementary Provisions (excluding, however, the provisions to revise Article 4, item 72, and Article 5, paragraph 1 of the Act for Establishment of the Ministry of International Trade and Industry (Act No. 275 of 1952)): October 1, 2000

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

Article 52 A person who intends to obtain a recognition or approval under Article 36-2-2, paragraph 1 or Article 39-11, paragraph 1 of the Gas Business Act revised by Article 11 (hereinafter referred to as the "New Gas Business Act") may file an application for recognition or approval prior to the enforcement of Article 11. The same shall apply where the person intends to give a notification of Operational Rules under Article 36-22 of the New Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2 or Article 39-16, paragraph 2 of the New Gas Business Act).

Article 53 Where a disposition of approval or disapproval is to be made with respect to an application for approval, which has been filed prior to the enforcement of Article 11 pursuant to paragraph 1 of Article 27-2 of the Gas Business Act prior to the revision by Article 11 (hereinafter referred to as the "Old Gas Business Act") or paragraph 2 of Article 27-2 of the Old Gas Business Act (including the cases where it is applied mutatis mutandis to Article 37-10 of the Old Gas Business Act), if a disposition of approval or disapproval has not yet been made prior to the enforcement of Article 11, the provisions then in force shall remain applicable.

Article 54 (1) With regard to the application of Article 30, paragraph 1 of the New Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-10 of the New Gas Business Act) to a person who has commenced, prior to the enforcement of Article 11, a construction project to install Gas Facilities subject to a self-inspection set forth in Article 36-2-2, paragraph 1 of the New Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-10 of the New Gas Business Act), the phrase "before the commencement of the business (in the case of facilities requiring self-inspection set forth in Article 36-2-2, paragraph 1, before the commencement of the construction of the facilities)" in Article 30,

paragraph 1 of the New Gas Business Act shall be deemed to be replaced with "without delay after the enforcement of Article 11 of the Act on Consolidation and Streamlining of Standards and Certification Systems Relating to the Ministry of International Trade and Industry (Act No. 121 of 1999)."

(2) With regard to the application of Article 30, paragraph 1 of the New Gas Business Act as applied mutatis mutandis pursuant to Article 37-7, paragraph 3 of the New Gas Business Act to a person who has commenced, prior to the enforcement of Article 11, a construction project to install Specified Gas Facilities subject to a self-inspection set forth in Article 36-2-2, paragraph 1 of the New Gas Business Act as applied mutatis mutandis pursuant to Article 37-7, paragraph 2 of the New Gas Business Act, the phrase "before the commencement of the business (in the case of a business involving the construction with a license under Article 37-2 (limited, however, to the construction of Specified Gas Facilities that are specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 36-2-2, paragraph 1 as applied mutatis mutandis pursuant to Article 37-7, paragraph 2), before the commencement of the construction of the facilities)" in Article 37-7, paragraph 3 of the New Gas Business Act shall be deemed to be replaced with "without delay after the enforcement of Article 11 of the Act on Consolidation and Streamlining of Standards and Certification Systems Relating to the Ministry of International Trade and Industry (Act No. 121 of 1999)."

Article 55 With regard to a notification under Article 27-3, paragraph 1 of the Old Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-10 or Article 38 of the Old Gas Business Act), which has been made prior to the enforcement of Article 11, a notification of the revision of the construction plan pertaining to such notification, and an order to revise or abolish the construction plan pertaining to these notifications, the provisions then in force shall remain applicable notwithstanding the provision of Article 36-2 of the New Gas Business Act.

Article 56 Where a disposition of success or failure in passing an inspection is to be made with respect to an application for inspection, which has been filed prior to the enforcement of Article 11 pursuant to Article 27-4, paragraph 1 of the Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-7, paragraph 2 or Article 37-10), if a disposition of success or failure in passing an inspection has not yet been made prior to the enforcement of Article 11, the provisions then in force shall remain applicable.

Article 57 With regard to the grant of a chief gas engineer's license to a person who has applied for a chief gas engineer's license prior to the enforcement of

Article 11, the provisions then in force shall remain applicable notwithstanding the provision of Article 32, paragraph 3 of the New Gas Business Act.

- Article 58 (1) A person who has received designation under Article 39-3 of the Old Gas Business Act prior to the enforcement of Article 11 shall be deemed, within six months from the date of enforcement of Article 11, to have obtained a recognition under Article 39-11, paragraph 1 of the New Gas Business Act. The same shall apply until a disposition is made with respect to an application for recognition under the said paragraph filed by such person during that period.
- (2) With respect to a person who is deemed pursuant to the preceding paragraph to have obtained a recognition under Article 39-11, paragraph 1 of the New Gas Business Act, a notification given under Article 72 of the old Liquefied Petroleum Gas Act as applied mutatis mutandis pursuant to Article 39-16, paragraph 1 of the Old Gas Business Act shall be deemed to be a notification given under Article 36-21 of the New Gas Business Act as applied mutatis mutandis pursuant to Article 39-15, paragraph 2 of the New Gas Business Act; Operational Rules which have been approved or for which an application for approval has been filed under Article 73, paragraph 1 of the old Liquefied Petroleum Gas Act as applied mutatis mutandis pursuant to Article 39-16, paragraph 1 of the Old Gas Business Act shall be deemed to be Operational Rules for which notification was given pursuant to Article 36-22, paragraph 1 of the New Gas Business Act as applied mutatis mutandis pursuant to Article 39-15, paragraph 2 of the New Gas Business Act; the suspension or abolition of the services which has been permitted or for which an application for permission has been filed under Article 74 of the old Liquefied Petroleum Gas Act as applied mutatis mutandis pursuant to Article 39-16, paragraph 1 of the Old Gas Business Act shall be deemed to be the suspension or abolition of the services for which notification was given pursuant to Article 36-23 of the New Gas Business Act as applied mutatis mutandis pursuant to Article 39-15, paragraph 2 of the New Gas Business Act; an order which has been issued under Article 79 of the old Liquefied Petroleum Gas Act as applied mutatis mutandis pursuant to Article 39-16, paragraph 1 of the Old Gas Business Act shall be deemed to be an order issued under Article 36-24 of the New Gas Business Act as applied mutatis mutandis pursuant to Article 39-15, paragraph 2 of the New Gas Business Act; an order issued under Article 80 of the old Liquefied Petroleum Gas Act as applied mutatis mutandis pursuant to Article 39-16, paragraph 1 of the Old Gas Business Act shall be deemed to be an order issued under Article 36-26 of the New Gas Business Act as applied mutatis mutandis pursuant to Article 39-15, paragraph 2 of the New Gas Business Act.

Article 59 A person who has, prior to the enforcement of Article 11, obtained or applied for approval with respect to Gas Equipment set forth in Article 39-2, paragraph 1 of the Old Gas Business Act, which falls into the category of Gas Equipment set forth in Article 39-2, paragraph 1 of the New Gas Business Act (hereinafter referred to as "Gas Equipment under Transition"), pursuant to the proviso of Article 39-3, the proviso of paragraph 1 of Article 39-11 (including the cases where it is applied mutatis mutandis pursuant to Article 39-14, paragraph 7, or Article 39-19, paragraph 2 of the Old Gas Business Act) or the proviso of Article 39-20 of the Old Gas Business Act (limited, however, to such approval concerning Gas Equipment intended for export), shall be deemed to have given a notification under Article 39-3, paragraph 2, item 1 or Article 39-10, paragraph 1, item 1 of the New Gas Business Act with respect to the Gas Equipment under Transition pertaining to the approval or application.

Article 60 (1) Where a disposition is to be made with respect to an application for examination under Article 39-4 of the Old Gas Business Act or an application for approval of model under Article 39-8, paragraph 1 or Article 39-13-3 of the Old Gas Business Act, which has been filed prior to the enforcement of Article 11, if a disposition of success or failure in passing an examination or a disposition to grant or not to grant approval has not yet been made prior to the enforcement of Article 11, the provisions then in force shall remain applicable.

(2) Where a disposition of success or failure in passing an examination is to be made with respect to an application for examination under Article 39-9 of the Old Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 39-14, paragraph 5 of the Old Gas Business Act; hereinafter the same shall apply in the next paragraph), which has been filed prior to the enforcement of Article 11, if a disposition of success or failure in passing an examination has not yet been made prior to the enforcement of Article 11, the provisions then in force shall remain applicable.

(3) Where a disposition is to be made with respect to an application for approval of model under Article 39-8, paragraph 1 or Article 39-13-3 of the Old Gas Business Act which has been filed by a person who passed the examination conducted under Article 39-9 of the Old Gas Business Act prior to the enforcement of Article 11, by submitting, within ten days from the date of enforcement of Article 11, a document proving that the person passed the examination, or an application for approval of model under Article 39-8, paragraph 1 or Article 39-13-3 of the Old Gas Business Act which has been filed by a person who applied for an examination, to which the provisions then in force shall remain applicable pursuant to the preceding paragraph, by

submitting, within ten days from the day when the person was deemed to have passed the examination, a document proving that the person passed the examination, the provisions then in force shall remain applicable.

Article 61 (1) The labels affixed to Gas Equipment under Transition under Article 39-5 or Article 39-12 of the Old Gas Business Act prior to the enforcement of Article 11 shall be deemed, for a period specified by a Cabinet Order for respective types of Gas Equipment under Transition not exceeding five years from the date of enforcement of Article 11, to be labels affixed under Article 39-12 of the New Gas Business Act.

(2) In addition to the case where the provisions then in force shall remain applicable pursuant to Article 64, paragraph 2 of the Supplementary Provisions, with respect to First-Class Gas Equipment set forth in Article 39-2, paragraph 2 of the Old Gas Business Act to which labels are affixed under Article 39-12 of the Old Gas Business Act as applied mutatis mutandis pursuant to Article 39-14, paragraph 7 of the Old Gas Business Act and which falls into the category of Specified Gas Equipment set forth in Article 39-2, paragraph 2 of the New Gas Business Act (hereinafter referred to as "Specified Gas Equipment under Transition"), the provisions then in force shall remain applicable notwithstanding the provisions of Article 39-3, paragraph 1 and Article 39-4 of the New Gas Business Act for a period specified by a Cabinet Order for respective types of Specified Gas Equipment under Transition not exceeding five years from the date of enforcement of Article 11.

Article 62 The provision of Article 39-3, paragraph 1 of the New Gas Business Act (including the penal provisions relating to this provision) shall not apply to Second-Class Gas Equipment set forth in Article 39-2, paragraph 2 of the Old Gas Business Act which has been manufactured prior to the enforcement of Article 11 and falls into the category of Gas Equipment set forth in Article 39-2, paragraph 1 of the New Gas Business Act (hereinafter referred to as "Second-Class Gas Equipment under Transition" in this Article) for a period specified by a Cabinet Order for respective types of Second-Class Gas Equipment under Transition not exceeding five years from the date of enforcement of Article 11.

Article 63 A person who has obtained or applied for approval under Article 39-8, paragraph 1 of the Old Gas Business Act prior to the enforcement of Article 11 with respect to the model of Gas Equipment under Transition (including those who have applied for approval under Article 60, paragraph 3 of the Supplementary Provisions (excluding, however, those who have applied for approval of model under Article 39-13-3 of the Old Gas Business Act)) shall be deemed to have given a notification under Article 39-5 of the New Gas

Business Act with respect to the Gas Equipment under Transition categorized by the model pertaining to the approval or application.

Article 64 (1) A person who has obtained approval of model under Article 39-8, paragraph 1 of the Old Gas Business Act prior to the enforcement of Article 11 with respect to Specified Gas Equipment under Transition (including those who have obtained approval by filing applications for approval of model to which the provisions then in force shall remain applicable pursuant to Article 60, paragraph 1 or paragraph 3 of the Supplementary Provisions (excluding, however, applications for approval of model under Article 39-13-3 of the Old Gas Business Act)) and who has manufactured the Specified Gas Equipment under Transition pertaining to the approval shall be deemed, for a period specified by a Cabinet Order under Article 39-10, paragraph 1 of the Old Gas Business Act from the day when the approval was obtained, to have performed the obligation under Article 39-11, paragraph 1 of the New Gas Business Act.

(2) With respect to the sale or labeling of Specified Gas Equipment under Transition pertaining to the approval of model obtained under Article 39-13-3 of the Old Gas Business Act prior to the enforcement of Article 11 (including the approval of model obtained in the cases where the provisions then in force shall remain applicable pursuant to Article 60, paragraph 1 or paragraph 3 of the Supplementary Provisions (excluding, however, those concerning Foreign Registered Manufacturers set forth in Article 39-13-3 of the Old Gas Business Act)), the provisions then in force shall remain applicable notwithstanding the provisions of Article 39-3, paragraph 1 and Article 39-4 of the New Gas Business Act, for a period specified by a Cabinet Order under Article 61, paragraph 2 of the Supplementary Provisions for the respective type of the Specified Gas Equipment under Transition from the date of enforcement of Article 11 or a period specified by a Cabinet Order under Article 39-10, paragraph 1 of the Old Gas Business Act as applied mutatis mutandis pursuant to Article 39-14, paragraph 6 of the Old Gas Business Act from the date of approval, whichever ends earlier.

Article 65 A person who has given a notification under Article 39-17 or Article 39-18 of the Old Gas Business Act prior to the enforcement of Article 11 shall be deemed to have given a notification under Article 39-5 of the New Gas Business Act. In this case, with regard to the application of the provisions of Article 39-4, Article 39-10, paragraph 1, Article 39-12, Article 39-14, and Article 39-18, item 2 of the New Gas Business Act to such a person, the phrase "the model to which the notification given under the said Article pertained (hereinafter simply referred to as the "Model to Which Notification Pertained")" in Article 39-4 of the New Gas Business Act shall be deemed to be

replaced with "the model by which the Gas Equipment with the structure to which the notification given under Article 39-17 or Article 39-18 of the Gas Business Act prior to the revision by Article 11 of the Act on Consolidation and Streamlining of Standards and Certification Systems Relating to the Ministry of International Trade and Industry (Act No. 121 of 1999) pertained is categorized (hereinafter simply referred to as the "Model by which the Gas Equipment with the Structure Pertaining to Notification Is Categorized")" and the phrase "Model Pertaining to Notification" in Article 39-10, paragraph 1, Article 39-12, Article 39-14, and Article 39-18, item 2 shall be deemed to be replaced with "Model by which the Gas Equipment with the Structure Pertaining to Notification Is Categorized."

Article 66 A public hearing for the enactment of a Cabinet Order under Article 39-2, paragraph 2 of the New Gas Business Act may be held prior to the enforcement of Article 11.

Article 67 With respect to a request for review under the Administrative Appeal Act with respect to a disposition made by a Designated Examination Body on the services for examinations pursuant to the Old Gas Business Act or the body's inaction, the provisions then in force shall remain applicable.

(Effect of Dispositions, etc.)

Article 68 Any dispositions, procedures or other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same shall apply in this Article) shall be, if the respective revised Acts contain provisions corresponding to such provisions, deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 69 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions of the items of Article 1 of the Supplementary Provisions) (or with respect to the Consumer Product Safety Association, prior to the provisions of the old Consumer Product Safety Act losing effect despite Article 10 of the Supplementary Provisions deeming that these provisions remain in force; with respect to the High Pressure Gas Safety Institute of Japan, prior to the provisions of the old High Pressure Gas Safety Act losing effect despite Article 30 of the Supplementary Provisions deeming that these provisions remain in

force) as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

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

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

(Effective Date)

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

**Supplementary Provisions [Extract from Act No. 204 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act shall come into force as from January 6, 2001; provided, however that the provisions of Articles 8 to 19 of the Supplementary Provisions shall come into force as from the date specified by a Cabinet Order within a period not exceeding six months from the said date.

(Transitional Measures Concerning Penal Provisions)

Article 20 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 21 In addition to what is provided for in Articles 2 to 7, Article 9, Article 11, Article 18, and the preceding Article in the Supplementary Provisions, any necessary transitional measures upon the establishment of the NITE and any other necessary measures for the enforcement of this Act shall be specified by a Cabinet Order.

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

(Effective Date)

- (1) This Act shall come into force as from the date of enforcement of the Act for Partial Revision of the Commercial Code, etc. (Act No. 90 of 2000).

(Transitional Measures)

- (2) Where the date of enforcement of this Act comes before the date of enforcement of Article 8 of the Supplementary Provisions of the Act on the Center for Food Quality, Labeling and Consumer Services (Act No. 183 of 1999), the term "Article 27" in the provisions in Article 31 to revise Article 19-5-2, Article 19-6, paragraph 1, item 4, and Article 27 of the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products shall be deemed to be replaced with "Article 26."

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

(Effective Date)

Article 1 This Act shall come into force as from March 1, 2004; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed in the respective items.

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

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

Article 6 (1) A person who intends to be registered under Article 36-2-2, paragraph 1 or Article 39-11, paragraph 1 of the Gas Business Act revised by Article 5 (hereinafter referred to as the "New Gas Business Act") may file an application for registration prior to the enforcement of this Act. The same shall apply where the person intends to give a notification of the Operational Rules under Article 36-22, paragraph 1 of the New Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 39-15, paragraph 2 or Article 39-16, paragraph 2 of the New Gas Business Act).

- (2) A person who has obtained, prior to the enforcement of this Act, a recognition under Article 36-2-2, paragraph 1 of the Gas Business Act prior to the revision by Article 5 (hereinafter referred to as the "Old Gas Business Act") or recognition or approval under Article 39-11, paragraph 1 of the Old Gas Business Act shall be deemed to have been registered under Article 36-2-2, paragraph 1 of the New Gas Business Act or Article 39-11, paragraph 1 of the

New Gas Business Act respectively. In this case, the registration shall be valid for the period during which the recognition under Article 36-2-2, paragraph 1 of the Old Gas Business Act or the recognition or approval under Article 39-11, paragraph 1 of the Old Gas Business Act remains valid.

(Effect of Dispositions, etc.)

Article 11 Any dispositions, procedures or other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same shall apply in this Article) shall, if the respective revised Acts contain provisions corresponding to such provisions, be deemed to have been conducted under the relevant provisions of the respective revised Acts, except those otherwise provided by the Supplementary Provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 12 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions; hereinafter the same shall apply in this Article) as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 13 In addition to what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) shall be specified by a Cabinet Order.

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

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2005; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed in the respective items.

- (i) The provisions of Article 3 (excluding paragraph 5) to Article 5, Article 9 (excluding paragraph 5) to Article 11, Article 15, Article 16, and Article 39 of the Supplementary Provisions: the date of promulgation.
- (ii) The provisions in Article 1 to revise the table of contents of the Electricity

Business Act, revise Chapter 6 of the Electricity Business Act, revise Article 106, Article 107, Article 112-2, Article 117-3, Article 117-4, and Article 119-2 of the Electricity Business Act, the provision of Article 3, and the provisions of Article 17, Article 18, Article 19, paragraph 1, Articles 20 to 38, Article 41, Article 43, Article 45, Article 46, Article 48, Article 51, and Articles 55 to 57 of the Supplementary Provisions: the date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation.

(iii) The provision of Article 2, and the provisions of Article 7, Article 8, Article 9, paragraph 5, Articles 12 to 14, Article 44, Article 47, Article 49, Article 50 (limited, however, to the part revising "Article 2, paragraph 12" to "Article 2, paragraph 13"), Article 52, and Article 53 of the Supplementary Provisions: April 1, 2004.

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

Article 7 With respect to an agreement for a wholesale supply prescribed in Article 2, paragraph 10 of the Gas Business Act prior to the revision by Article 2 (hereinafter referred to as the "Old Gas Business Act") which has been concluded, prior to the enforcement of Article 2, by a General Gas Utility or a Wholesale Supplier prescribed in Article 37-11, paragraph 1 of the Old Gas Business Act, the provisions of Article 2, paragraph 10, Article 22, and Article 37-11 of the Old Gas Business Act (including the penal provisions relating to these provisions) shall remain in force within three years from the date of enforcement of Article 2.

Article 8 With regard to the change to which the notification given prior to the enforcement of Article 2 pursuant to Article 9, paragraph 1 of the Old Gas Business Act (including the cases where it is applied *mutatis mutandis* pursuant to Article 37-7, paragraph 1) pertained, the provisions then in force shall remain applicable.

Article 9 (1) A General Gas Utility that has obtained a license under Article 3 of the Old Gas Business Act prior to the promulgation of this Act shall, by March 1, 2004, formulate Transportation Service provisions prescribed in Article 22, paragraph 1 of the Gas Business Act revised by Article 2 (hereinafter referred to as the "New Gas Business Act") pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, and notify the Minister of Economy, Trade and Industry of the provisions pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply where the General Gas Utility has obtained approval from the Minister of Economy, Trade and Industry pursuant to Article 11 of the Supplementary Provisions.

- (2) The provision of Article 22, paragraph 4 of the New Gas Business Act shall apply mutatis mutandis to Transportation Service provisions for which notification was given pursuant to the preceding paragraph. In this case, the phrase "order the General Gas Utility to revise the Transportation Service provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry" in the said paragraph shall be deemed to be replaced with "order the General Gas Utility to revise the Transportation Service provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry. In this case, the General Gas Utility shall notify the Minister of Economy, Trade and Industry of the change."
- (3) A General Gas Utility that has given a notification pursuant to paragraph 1 shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, publicize the Transportation Service provisions for which notification was given pursuant to the said paragraph.
- (4) Transportation service provisions for which notification was given pursuant to paragraph 1 shall become effective on the date of enforcement of Article 2.
- (5) Transportation service provisions for which notification was given pursuant to paragraph 1 shall be deemed to be Transportation Service provisions for which notification was given pursuant to Article 22, paragraph 1 of the New Gas Business Act.

Article 10 (1) A person who has violated an order issued under Article 22, paragraph 4 of the New Gas Business Act as applied mutatis mutandis pursuant to paragraph 2 of the preceding Article shall be punished by a fine of not more than three million yen.

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

Article 11 The grant of approval under the proviso of paragraph 1 of Article 22 of the New Gas Business Act (including the cases where it is applied mutatis mutandis pursuant to Article 37-8) as well as procedures and other acts

necessary for such grant may be conducted prior to the enforcement of Article 2.

- Article 12 (1) A General Gas Utility that conducts a business which shall fall into the category of Gas Pipeline Service Business pursuant to Article 2, paragraph 5 of the New Gas Business Act may, notwithstanding the provisions of Article 22-5, paragraph 1 of the New Gas Business Act, continue to conduct the business for 60 days from the date of enforcement of Article 2.
- (2) The General Gas Utility prescribed in the preceding paragraph shall, within 60 days from the date of enforcement of Article 2, notify the Minister of Economy, Trade and Industry, pursuant to an Ordinance of the Ministry of Economy, Trade and Industry, of the site where Specified Pipes (which means pipelines with a supply capacity larger than the level specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 2, paragraph 5; hereinafter the same shall apply) used for the Gas Pipeline Service Business are installed, the inside diameter and the gas pressure within the Specified Pipes.
- (3) The provision of Article 22-5, paragraph 2 of the New Gas Business Act shall apply mutatis mutandis to the notification set forth in the preceding paragraph.
- (4) A notification given under paragraph 2 shall be deemed to be a notification given pursuant to Article 22-5, paragraph 1 of the New Gas Business Act. In this case, the provisions of paragraphs 3 to 6 of the said Article shall not apply.

- Article 13 (1) A person other than a General Gas Utility who conducts a business which shall fall into the category of Gas Pipeline Service Business pursuant to Article 2, paragraph 5 of the New Gas Business Act may, notwithstanding the provisions of Article 37-7-2, paragraph 1 of the New Gas Business Act, continue to conduct the business for 60 days from the date of enforcement of Article 2.
- (2) The person prescribed in the preceding paragraph shall, within 60 days from the date of enforcement of Article 2, notify the Minister of Economy, Trade and Industry of the following matters pursuant to an Ordinance of the Ministry of Economy, Trade and Industry.
- (i) The name and address of the person, as well as the name of the representative if the person is a juridical person.
- (ii) The site where the Specified Pipes for the Gas Pipeline Service Business are installed, the inside diameter and the gas pressure within the Specified Pipes
- (3) The provision of Article 37-7-2, paragraph 2 of the New Gas Business Act shall apply mutatis mutandis to the notification given under the preceding paragraph.
- (4) A notification given under paragraph 2 shall be deemed to be a notification

given pursuant to Article 37-7-2, paragraph 1 of the New Gas Business Act. In this case, the provisions of paragraphs 3 to 6 of the said Article shall not apply.

Article 14 Any dispositions, procedures or other acts conducted prior to the date of enforcement of Article 2 pursuant to the provisions of the Old Gas Business Act or any order issued thereunder shall, if the New Gas Business Act or any order issued thereunder contains provisions corresponding to such provisions, be deemed to have been conducted under the relevant provisions of the New Gas Business Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

Article 15 In addition to what is provided for in Article 11 to the preceding Article in the Supplementary Provisions, any necessary transitional measures concerning the notification of a Gas Pipeline Service Business under Article 2, paragraph 5 of the New Gas Business Act, a Gas Pipeline Service Provider under paragraph 6 of the said Article, and a Large-Volume Supply under Article 23, Article 37-7-3, and Article 37-9 of the New Gas Business Act, as well as the notification under Article 24 and Article 37-7-4 (including the cases where it is applied mutatis mutandis pursuant to Article 38, paragraph 1 of the New Gas Business Act) shall be specified by a Cabinet Order.

(Transitional Measures Concerning Application of Penal Provisions)

Article 38 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions listed in Article 1, item 2 and item 3 of the Supplementary Provisions; hereinafter the same shall apply in this Article) as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 39 In addition to what is provided for in Article 2 to the preceding Article in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

(Review)

Article 40 When three years have elapsed since the enforcement of this Act (or the respective provisions listed in Article 1, item 3 of the Supplementary Provisions; hereinafter the same shall apply in this Article), the government shall, while taking into account the status of enforcement of the provisions of this Act, review the provisions of this Act, and take any necessary measures

based on the review.

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

(Effective Date)

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

(Review)

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

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

(Effective Date)

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

(Transitional Measures Concerning Dispositions, etc.)

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

(Transitional Measures Concerning Application of Penal Provisions)

Article 27 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

Article 28 In addition to what is provided for in the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be

specified by a Cabinet Order.

(Review)

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

**Supplementary Provisions [Extract from Act No. 73 of June 29, 2005]  
[Extract]**

(Effective Date)

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

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

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