

Electricity Business Act

(Act No. 170 of July 11, 1964)

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(Purpose)

Article 1 The purpose of this Act is to protect the interests of electricity users and achieve the sound development of Electricity Businesses by realizing appropriate and reasonable management of Electricity Businesses, and to

assure public safety and promote environmental preservation by regulating the construction, maintenance and operation of Electric Facilities.

(Definitions)

Article 2 (1) In this Act, the meanings of the terms listed in the following items shall be as provided for by the respective items.

- (i) General Electricity Business: Business supplying electricity to meet general demand.
- (ii) General Electricity Utility: Person who has obtained a license under paragraph 1 of the next Article to conduct a General Electricity Business.
- (iii) Wholesale Electricity Business: Business supplying a General Electricity Utility with electricity to be used for its General Electricity Business for which the Electric Facilities that satisfy the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry are used.
- (iv) Wholesale Electricity Utility: Person who has obtained a license under paragraph 1 of the next Article to conduct a Wholesale Electricity Business.
- (v) Specified Electricity Business: Business supplying electricity to meet demand at a specified service point.
- (vi) Specified Electricity Utility: Person who has obtained a license under paragraph 1 of the next Article to conduct a Specified Electricity Business.
- (vii) Specified-Scale Electricity Business: Business supplying electricity (excluding, however, businesses supplying electricity prescribed in Article 17, paragraph 1, item 1, and businesses conducted under a license set forth in the said paragraph) to meet a certain scale of demand from electricity users that satisfies the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as a "Specified-Scale Demand"), which are conducted by a General Electricity Utility to meet a Specified-Scale Demand in an area other than its service area via electric lines maintained and operated by another General Electricity Utility, or conducted by a person other than a General Electricity Utility.
- (viii) Specified-Scale Electricity Utility: Person who has given notification pursuant to Article 16-2, paragraph 1 of conducting a Specified-Scale Electricity Business.
- (ix) Electricity Business: General Electricity Business, Wholesale Electricity Business, Specified Electricity Business and Specified-Scale Electricity Business.
- (x) Electricity Utility: General Electricity Utility, Wholesale Electricity Utility, Specified Electricity Utility and Specified-Scale Electricity Utility
- (xi) Wholesale Supply: Supply of electricity to a General Electricity Utility to be used for its General Electricity Business (excluding supply through a Cross-Area Wheeling Service), which is specified by an Ordinance of the

- Ministry of Economy, Trade and Industry.
- (xii) Wholesale Supplier: Person who provides a Wholesale Supply (excluding General Electricity Utility and Wholesale Electricity Utility).
 - (xiii) Cross-Area Wheeling Service: Service pursuant to which a person receives electricity from another person and simultaneously supplies such another person with the same quantity of electricity as that received, at a point other than where the person has received electricity.
 - (xiv) Intra-Area Wheeling Service: Service pursuant to which a General Electricity Utility receives electricity from another person engaged in the Specified-Scale Electricity Business, and simultaneously supplies, in proportion to fluctuations in the quantity of electricity used for the Specified-Scale Electricity Business conducted by said other person, such other person with electricity at a point other than where the General Electricity Utility received such electricity within its service area (excluding, however, a service point where a Specified Electricity Utility has commenced a Specified Electricity Business under a license set forth in paragraph 1 of the next Article or with permission under paragraph 1 of Article 8 (hereinafter referred to as a "Point of Business Commencement" in Article 18 and Article 25)).
 - (xv) Wheeling Service: Cross-Area Wheeling Service and Intra-Area Wheeling Service.
 - (xvi) Electric Facilities: Machines, apparatuses, dams, waterways, reservoirs, electric lines, and other facilities installed for the purpose of generating, transforming, transmitting, distributing or using electricity (excluding, however, those installed in ships, vehicles or aircrafts, and those specified by a Cabinet Order).
- (2) Where a General Electricity Utility conducts a business supplying another General Electricity Utility or a Specified Electricity Utility having a service point within the General Electricity Utility's service area with electricity to be used for the General Electricity Business or the Specified Electricity Business conducted thereby, or conducts a business providing another General Electricity Utility or a Specified-Scale Electricity Utility with a Wheeling Service prescribed in Article 24-3, paragraph 1 with respect to electricity to be used for the Specified-Scale Electricity Business conducted thereby, such a business shall be deemed to be a General Electricity Business.
- (3) A business conducted by a Wholesale Electricity Utility of supplying a General Electricity Utility with electricity to be used for its General Electricity Business shall be deemed to be a Wholesale Electricity Business.

Chapter II Electricity Business

Section 1 Business License, etc.

(Business License)

- Article 3 (1) A person who intends to conduct an Electricity Business (excluding a Specified-Scale Electricity Business; hereinafter the same shall apply in this Section (except for Article 5, item 7 and Article 17, paragraph 1)) shall obtain a license from the Minister of Economy, Trade and Industry.
- (2) The license set forth in the preceding paragraph shall be granted by category of business, for each of the General Electricity Business, Wholesale Electricity Business, or Specified Electricity Business respectively.

(Application for License)

- Article 4 (1) A person who intends to obtain a license under paragraph 1 of 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, the General Electricity Utilities to which electricity is to be supplied or the service points.
 - (iii) The following matters concerning the Electric Facilities to be used for the Electricity Business.
 - (a) Regarding Electric Facilities for generation of electricity, the site where they are to be installed, the type of motive power, frequency, and output capacity.
 - (b) Regarding Electric Facilities for transformation of electricity, the site where they are to be installed, frequency, and output capacity.
 - (c) Regarding Electric Facilities for transmission of electricity, the site where they are to be installed, the electric system, installation method, number of circuits, frequency, and voltage.
 - (d) Regarding Electric Facilities for distribution of electricity, the electric system, frequency, and voltage.
- (2) The written application set forth in the preceding paragraph shall be accompanied by a business plan, estimate of business income and expenditure, 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, paragraph 1 unless he/she finds that the application for the license under the said paragraph conforms to all of the following items.
- (i) The commencement of the Electricity Business corresponds to general demand, demand for General Electricity Business or demand at the service

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

(License Certificate)

Article 6 (1) The Minister of Economy, Trade and Industry shall, when having granted a license under Article 3, paragraph 1, 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, the General Electricity Utilities to which electricity is to be supplied or the service points.
- (iv) The following matters concerning the Electric Facilities to be used for the Electricity Business.
 - (a) Regarding Electric Facilities for generation of electricity, the site where they are installed, the type of motive power, frequency and output capacity.
 - (b) Regarding Electric Facilities for transformation of electricity, the site where they are installed, frequency and output capacity.
 - (c) Regarding Electric Facilities for transmission of electricity, the site where they are installed, the electric system, installation method, number of

circuits, frequency and voltage.

- (d) Regarding Electric Facilities for distribution of electricity, the electric system, frequency and voltage.

(Obligation to Commence Business)

Article 7 (1) An Electricity Utility (excluding a Specified-Scale Electricity Utility; hereinafter the same shall apply in this Section) shall commence its business within the period designated by the Minister of Economy, Trade and Industry, but not to exceed ten years (or three years in the case of a Specified Electricity Utility) from the day when the Electricity Utility has obtained a business license.

- (2) The Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary, designate the period set forth in the preceding paragraph by category of service area, General Electricity Utility to which electricity is to be supplied or service point.
- (3) Where the Minister of Economy, Trade and Industry has received an application from an Electricity Utility, he/she may, when finding justifiable grounds, extend the period designated under paragraph 1.
- (4) An Electricity Utility shall, when having commenced its business (in the cases where the designation set forth in paragraph 1 has been made by category of service area, General Electricity Utility to which electricity is to be supplied or service point pursuant to paragraph 2, the business corresponding to the category), notify the Minister of Economy, Trade and Industry to that effect without delay.

(Change of Service Area, etc.)

Article 8 (1) An Electricity 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, the number of General Electricity Utilities to which electricity is to be supplied or the number of service points).

(Changes of Electric Facilities, etc.)

Article 9 (1) An Electricity 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), an Electricity Utility shall notify the Minister of Economy, Trade and Industry to that effect without delay.
- (3) An Electricity 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 Electricity Business by the Electricity 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 Electricity Business by the Electricity Utility that has given the notification, he/she may, within 20 days from the day when the notification was received, order the Electricity Utility to change the contents of the notification or suspend its performance of the Electricity 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 of an Electricity 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 an Electricity Utility (limited, however, to those resulting in the taking over of the whole of an Electricity Business; hereinafter the same shall apply in paragraph 1 of the next Article) 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 an Electricity Business, or inheritance, merger or demerger of an Electricity Utility, the assignee of the whole of the Electricity 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 Electricity Business upon the demerger shall succeed to the status of the Electricity

Utility.

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

Article 12 Deleted

(Assignment of Facilities, etc.)

Article 13 (1) An Electricity Utility (excluding a Specified Electricity Utility; hereinafter the same shall apply in this Article) shall, when intending to assign facilities used for its Electricity Business or make them subject to any rights other than ownership, notify the Minister of Economy, Trade and Industry to that effect; provided, however, that this shall not apply to facilities specified by an Ordinance of the Ministry of Economy, Trade and Industry.

- (2) The provisions of Article 9, paragraphs 3 to 5 shall apply mutatis mutandis to the notification set forth in the preceding paragraph. In this case, the phrase "make the change" in paragraph 3 of the said Article shall be deemed to be replaced with "assign the facilities or make them subject to any rights other than ownership," the phrase "the content of the notification" in paragraph 4 of the said Article shall be deemed to be replaced with "the assignment of the facilities to which the notification pertained or making them subject to any rights other than ownership (hereinafter referred to as 'Assignment of Facilities, etc.' in the next paragraph)" and the phrase "the content of the notification" in paragraph 5 of the said Article shall be deemed to be replaced with "the Assignment of Facilities, etc." respectively.

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

Article 14 (1) An Electricity Utility shall, when intending to suspend or abolish the whole or a part of its Electricity Business, obtain permission from the Minister of Economy, Trade and Industry.

- (2) A resolution for the dissolution of a juridical person acting as an Electricity Utility or 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 Electricity Business or dissolution of the juridical person.

(Rescission of Business License, etc.)

Article 15 (1) Where an Electricity Utility does not commence its business within

the period designated under Article 7, paragraph 1 (if the period has been extended under paragraph 3 of 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, paragraph 1.

- (2) In addition to the case prescribed in the preceding paragraph, where an Electricity Utility has violated this Act or any order issued under this Act, 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, paragraph 1.
- (3) In addition to the cases prescribed in the preceding two paragraphs, where the Electric Facilities used for a Wholesale Electricity Business by a Wholesale Electricity Utility have ceased to satisfy the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 2, paragraph 1, item 3, the Minister of Economy, Trade and Industry may, when he/she finds that the facilities will never satisfy the requirements, rescind the license granted under Article 3, paragraph 1.
- (4) In addition to the cases prescribed in paragraph 1 or paragraph 2, the Minister of Economy, Trade and Industry may, when he/she finds that a Specified Electricity Utility falls under any of the following items, rescind the license granted under Article 3, paragraph 1 or reduce the number of service points.
 - (i) The Specified Electricity Utility has ceased to have sufficient financial basis and technical capability to perform the Specified Electricity Business properly.
 - (ii) The Electric Facilities used for the Specified Electricity Business have ceased to be capable of meeting the electricity demand at the service point.
 - (iii) In addition to the cases prescribed in the preceding two items, the Specified Electricity Business has become harmful to the public interest.
- (5) The Minister of Economy, Trade and Industry shall, when having rescinded the license pursuant to any of the preceding paragraphs, provide a written explanation of the reasons for rescission to the Electricity Utility.

Article 16 (1) Where an Electricity Utility that has obtained permission under Article 8, paragraph 1 does not commence its business within the period designated under Article 7, paragraph 1 as applied mutatis mutandis pursuant to Article 8, paragraph 3, in the new service area, to the General Electricity Utility to which electricity is to be newly supplied or at the new service point, the Minister of Economy, Trade and Industry may rescind the permission.

- (2) Where a General Electricity Utility does not conduct its General Electricity Business in part of its service area, 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.

- (3) Where a Specified Electricity Utility does not conduct its Specified Electricity Business 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 number of service points.
- (4) The provision of paragraph 5 of the preceding Article shall apply mutatis mutandis to the cases referred to in the preceding three paragraphs.

(Notification of Specified-Scale Electricity Business)

Article 16-2 (1) A person other than a General Electricity Utility shall, when intending to conduct a Specified-Scale Electricity Business, 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, with a document stating the person's name and address as well as the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

- (2) A Specified-Scale Electricity Utility shall, when intending to change the matters set forth in the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect.
- (3) A Specified-Scale Electricity Utility shall, when having abolished its business, notify the Minister of Economy, Trade and Industry to that effect without delay.

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

Article 16-3 (1) A Specified-Scale Electricity Utility shall, when conducting a Specified-Scale Electricity Business via the electric lines that the Specified-Scale Electricity Utility independently maintains and operates, notify the Minister of Economy, Trade and Industry, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, of the matters concerning each electric line and the place where electricity is to be supplied via the electric line (hereinafter referred to as "Place of Supply" in this Article), which are specified by an Ordinance of the Ministry of Economy, Trade and Industry.

- (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) The Specified-Scale Electricity Utility that has given notification under paragraph 1 shall not conduct its Specified-Scale Electricity Business via the electric lines to which the 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 Specified-Scale Electricity Business to be conducted via the electric lines to which the notification given under paragraph 1 pertained is unlikely to harm

significantly the interests of electricity users in the service area of a General Electricity Utility that covers the Place of Supply to which the notification pertained, shorten the period prescribed in the preceding paragraph.

- (5) When the Minister of Economy, Trade and Industry finds that the Specified-Scale Electricity Business to be conducted via the electric lines to which the notification given under paragraph 1 pertained is likely to harm significantly the interests of electricity users in the service area of the General Electricity Utility prescribed in the preceding paragraph, he/she may, within 20 days from the day when the notification was received (or, if the period prescribed in paragraph 3 has been extended pursuant to the next paragraph, the extended period), order the Specified-Scale Electricity Utility to change the content of the notification or suspend its performance of the Specified-Scale Electricity Business to which such notification pertained .
- (6) 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 Specified-Scale Electricity Business to be conducted via the electric lines to which the notification given under paragraph 1 pertained is likely to harm significantly the interests of electricity users in the service area of the General Electricity Utility prescribed in paragraph 4 and that such examination will not be completed within the period prescribed in paragraph 3, extend the period set forth in the said paragraph by up to 20 days. In this case, the Minister of Economy, Trade and Industry shall notify the Specified-Scale Electricity Utility who has given the notification of the extended period and the reason for extension without delay.
- (7) A Specified-Scale Electricity 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 conduct its Specified-Scale Electricity Business via the electric lines" 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 Specified-Scale Electricity Business to be conducted via the electric lines" in paragraphs 4 to 6 shall be deemed to be replaced with "the change."

(Taking over of Specified-Scale Electricity Business)

Article 16-4 (1) In the event of an assignment of the whole of a Specified-Scale Electricity Business, or inheritance, merger or demerger of a Specified-Scale Electricity Utility (limited, however, to those resulting in the taking over of the whole of a Specified-Scale Electricity Business), the assignee of the whole of

the Specified-Scale Electricity 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 Specified-Scale Electricity Business upon the demerger shall succeed to the status of the Specified-Scale Electricity Utility.

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

(Specified Supply)

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

(i) Where such person intends to supply electricity through the generation facilities intended exclusively for supplying electricity to meet the demand in a single building or in any premises specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(ii) Where such person intends to supply electricity to be used for a General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business.

(2) A person who intends to obtain a license under the preceding paragraph shall submit a written application to the Minister of Economy, Trade and Industry, with a document stating:

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

(ii) The name and address of the recipient of electricity supply.

(iii) The place where electricity is to be supplied.

(iv) In addition to what is listed in the preceding three items, the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(3) The Minister of Economy, Trade and Industry shall not grant a license under paragraph 1 unless he/she finds that the application for the license under the said paragraph conforms to all of the following items.

(i) A person who is to conduct an electricity supply business has a close association with the recipient of electricity supply as specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(ii) Where the place where electricity is to be supplied is located in the service area of a General Electricity Utility or at the service point of a Specified Electricity Utility, there is no risk of harm to the interests of electricity users in the said service area or at the said service point.

- (4) When there has been a change to the matters listed in paragraph 2, item 1, item 2 or item 4, the person who has obtained a license under paragraph 1 shall notify the Minister of Economy, Trade and Industry to that effect without delay.
- (5) The person who has obtained a license under paragraph 1 shall, when having abolished the electricity supply business under the license, notify the Minister of Economy, Trade and Industry to that effect without delay.

Section 2 Services1

Subsection 1 Supply

(Obligation to Supply, etc.)

- Article 18 (1) A General Electricity Utility shall not refuse to supply electricity to meet general demand in its service area (excluding, however, demand at the Point of Business Commencement and Specified-Scale Demand) without justifiable grounds.
- (2) A General Electricity Utility shall not refuse to supply electricity to meet Specified-Scale Demand in its service area (excluding, however, demand from users who receive electricity supply from a person other than the General Electricity Utility or those who receive electricity supply under the rates and other supply conditions negotiated and agreed with the General Electricity Utility) unless there is a risk of harm to the interests of recipients of electricity supply under general supply provisions or Optional Supply Provisions or there are other justifiable grounds.
 - (3) A Specified Electricity Utility shall not refuse to supply electricity to meet demand at its service point without justifiable grounds.
 - (4) A General Electricity Utility or Wholesale Electricity Utility that has agreed to supply electricity to another General Electricity Utility for its General Electricity Business shall not refuse to supply electricity without justifiable grounds. The same shall apply where a General Electricity Utility has concluded a Supplementary Supply Agreement set forth in Article 24-2, paragraph 1 with a Specified Electricity Utility that has a service point within the General Electricity Utility's service area.
 - (5) A General Electricity Utility shall not supply electricity to meet general demand in an area other than its service area or demand at the Point of Business Commencement within its service area.
 - (6) A General Electricity Utility or Wholesale Electricity Utility shall not supply electricity to another General Electricity Utility for its General Electricity Business in any manner other than that for which a license or permission has been granted under Article 3, paragraph 1 or Article 8, paragraph 1.
 - (7) A Specified Electricity Utility shall not supply electricity to meet demand at a

service point other than its service point for which a license or permission has been granted under Article 3, paragraph 1 or Article 8, paragraph 1.

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

Article 19 (1) A General Electricity 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 electricity supply to meet general demand (excluding Specified-Scale Demand) and obtain approval of the provisions from the Minister of Economy, Trade and Industry. The same shall apply when a General Electricity Utility indents 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 all of 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 by type of supply.

(iii) The responsibilities of the General Electricity Utility and electricity users, as well as the method of sharing expenses between them for electricity meters and other instruments and for wiring and other works, 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 electricity users, a General Electricity Utility may, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, revise the rates and/or other supply conditions set under general supply provisions that has been approved under paragraph 1 (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 Electricity 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 Electricity 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 by type of supply.
 - (ii) The responsibilities of the General Electricity Utility and electricity users, as well as the method of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly.
 - (iii) Certain persons are not treated in an unfair and discriminatory manner.
- (6) A General Electricity Utility may, where it is expected to contribute to the efficient use of the facilities for its General Electricity Business or the efficient management of its business generally, formulate provisions to set supply conditions that differ from such rates and other supply conditions necessary to apply the rates set out in general supply provisions approved under paragraph 1, and make it available to electricity users as an alternative to the general supply provisions.
- (7) A General Electricity 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 Electricity 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 Electricity 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 Electricity Business by the General Electricity Utility or the efficient management of the business.
 - (ii) There is no risk of harm to the interests of recipients of electricity 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.

(Provisions for Last Resort Service of General Electricity Utility)

Article 19-2 (1) A General Electricity Utility shall formulate provisions to set rates and other supply conditions to guarantee electricity supply to meet Specified-Scale Demand in its service area (excluding, however, demand from users who receive electricity supply from a person other than the General Electricity Utility or those who receive electricity supply under the rates and other supply conditions negotiated and agreed with the General Electricity

Utility), 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. The same shall apply when a General Electricity Utility intends to revise the provisions.

- (2) The Minister of Economy, Trade and Industry may, when he/she finds that the provisions to which the notification given under the preceding paragraph pertained fails to fall under any of the following items, order the General Electricity Utility to revise the provisions (hereinafter referred to as "Provisions for Last Resort Service"), within a reasonable time limit set by the Minister of Economy, Trade and Industry.
- (i) The rates are clearly set as fixed rates or fixed amounts by type of supply.
 - (ii) The responsibilities of the General Electricity Utility and electricity users, as well as the method of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly.
 - (iii) Certain persons are not treated in an unfair and discriminatory manner.
 - (iv) The rates and conditions are not significantly inappropriate in light of social and economic circumstances or significantly harmful to the interest of recipients of electricity supply under the Provisions for Last Resort Service.

(Obligation of General Electricity Utility to Publicize General Supply Provisions, etc.)

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

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

Article 21 (1) A General Electricity Utility shall not supply electricity to meet general demand (excluding Specified-Scale Demand) under supply conditions other than those set out in general supply provisions approved under Article 19, paragraph 1 (or if notification of revision has been given pursuant to paragraph 4 of the said Article, the revised provisions; if revision has been made pursuant to Article 23, paragraph 3, the revised provisions) or those set

out in Optional Supply Provisions for which notification was given pursuant to Article 19, paragraph 7; provided, however, that this shall not apply when a General Electricity Utility provides a Cross-Area Wheeling Service, or when a General Electricity Utility supplies electricity under the rates and other supply conditions approved by the Minister of Economy, Trade and Industry (or, if revision has been made pursuant to Article 23, paragraph 3, the revised rates and/or conditions) in the case where there are special circumstances that make it difficult to supply electricity under the general supply provisions or Optional Supply Provisions.

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

(Supply Conditions for Wholesale Supply)

- Article 22 (1) A General Electricity Utility, Wholesale Electricity Utility or Wholesale Supplier shall not provide a Wholesale Supply at rates and other supply conditions other than those for which notification was given to the Minister of Economy, Trade and Industry (or, if revision has been made pursuant to paragraph 3 of the next Article, the revised rates and/or conditions); provided, however, that this shall not apply to the following cases.
- (i) When a Wholesale Supply is provided under the supply conditions set by a successful bidder in the bidding implemented by a General Electricity Utility (limited, however, to those publicly announced pursuant to paragraph 5).
- (ii) When the Minister of Economy, Trade and Industry has granted approval for a limited period where there are special circumstances that make it difficult to set supply conditions.
- (2) The person who has given notification under the preceding paragraph shall not commence the Wholesale Supply to which the notification pertained until 20 days have elapsed from the day when the notification was received.
- (3) The Minister of Economy, Trade and Industry may, if he/she finds that the rates and other supply conditions to which the notification given under paragraph 1 pertained conform to all of the items of paragraph 2 of Article 19, shorten the period prescribed in the preceding paragraph.
- (4) When the Minister of Economy, Trade and Industry finds that the rates and/or other supply conditions to which the notification given under paragraph 1 pertained fail to conform to any of the items of paragraph 2 of Article 19, he/she may, within 20 days from the day when the notification was received,

order the person who has given the notification to revise the rates and/or supply conditions.

- (5) A General Electricity Utility that intends to receive a Wholesale Supply may, when deciding on the person who is to provide a Wholesale Supply and supply conditions through a bidding process, make a public announcement pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry to the effect that the method of bidding satisfies the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (6) A General Electricity Utility shall, when having made a public announcement pursuant to the preceding paragraph, implement a bidding process by a method that satisfies the requirements specified by an Ordinance of the Ministry of Economy, Trade and Industry under the said paragraph.
- (7) In the case referred to in paragraph 1, item 1, the General Electricity Utility, Wholesale Electricity Utility or Wholesale Supplier that is to provide a Wholesale Supply shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the supply conditions to be applied.

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

- Article 23 (1) The Minister of Economy, Trade and Industry may, when he/she finds that the electricity 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 Electricity Utility to apply for approval to revise the general supply provisions approved under Article 19, paragraph 1 (or, if notification of revision has been given pursuant to paragraph 4 of the said Article, the revised provisions) or the rates and other supply conditions approved under the provision of paragraph 1 of Article 21 (or, if revision has been made pursuant to paragraph 3, the revised rates and/or conditions), within a reasonable time limit set by the Minister of Economy, Trade and Industry.
- (2) The Minister of Economy, Trade and Industry may, when he/she finds that the rates and/or other supply conditions to which the notification given under paragraph 1 of the preceding Article pertained (or, if revision has been made pursuant to the next paragraph, the revised rates and/or 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 Electricity Utility, Wholesale Electricity Utility or Wholesale Supplier to revise the rates and/or other supply conditions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.
 - (3) Where the Minister of Economy, Trade and Industry has issued an order pursuant to the preceding two paragraphs, he/she may, if no application for

approval has been filed nor any notification of revision has been given within the time limit set forth in the preceding two paragraphs, revise the general supply provisions or the rates and/or other supply conditions.

(General Supply Conditions of Specified Electricity Utility)

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

(2) 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 the preceding paragraph pertained fail to fall under any of the following items, order the Specified Electricity Utility to revise the rates and/or other supply conditions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.

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

(ii) The responsibilities of the Specified Electricity Utility and electricity users, as well as the method of sharing expenses between them for electricity meters and other instruments and for wiring and other works, are provided for appropriately and clearly.

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

(iv) The rates and conditions are not significantly inappropriate in light of social and economic circumstances nor significantly harmful to the interest of electricity users.

(3) A Specified Electricity Utility shall take measures to make public the rates and other supply conditions to which the notification given under paragraph 1 pertained at its service point prior to the day when the rates and conditions become applicable.

(4) A Specified Electricity Utility shall not supply electricity to meet demand at its service point at rates and other supply conditions other than those for which notification was given pursuant to paragraph 1; provided, however, that this shall not apply when a Specified Electricity Utility provides a Cross-Area Wheeling Service.

(Supplementary Supply Agreement)

Article 24-2 (1) A General Electricity Utility shall, when intending to conclude a Supplementary Supply Agreement with a Specified Electricity Utility having a service point within the General Electricity Utility's service area (which means an agreement whereby the General Electricity Utility promises to supply electricity to the Specified Electricity Utility to make up a shortage of

electricity used by the Specified Electricity Utility for its Specified Electricity Business which may arise from an accident or other causes specified by an Ordinance of the Ministry of Economy, Trade and Industry (excluding supply through a Cross-Area Wheeling Service); hereinafter the same shall apply), obtain approval of the rates and other supply conditions for such supply from the Minister of Economy, Trade and Industry. The same shall apply when a General Electricity Utility intends to revise the rates and/or other supply conditions.

- (2) The provision of Article 19, paragraph 2 shall apply mutatis mutandis to the approval set forth in the preceding paragraph.
- (3) Where, with respect to a Supplementary Supply Agreement, the General Electricity Utility and the Specified Electricity Utility having a service point within the General Electricity Utility's service area have failed to hold consultations or reach an agreement through consultations, the Minister of Economy, Trade and Industry may, when he/she finds that there is a risk of harm to the interests of electricity users at the service point, order the General Electricity Utility and the Specified Electricity Utility to conclude a Supplementary Supply Agreement with each other, giving instructions on rates and other supply conditions.
- (4) Where an order has been issued pursuant to the preceding paragraph, the General Electricity Utility that has received the order shall be deemed to have obtained approval under paragraph 1 of the rates and other supply conditions as instructed under the said paragraph.
- (5) The provisions of Article 23, paragraph 1 and paragraph 3 shall apply mutatis mutandis to the rates and other supply conditions approved under paragraph 1 (including those that are deemed to have been approved under paragraph 1 pursuant to the preceding paragraph).

(Wheeling Service by General Electricity Utility)

Article 24-3 (1) A General Electricity Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, formulate Wheeling Service provisions to set rates and other supply conditions for a Wheeling Service (or, in the case of a Cross-Area Wheeling Service, limited to such services for supplying electricity to be used for a General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same shall apply) 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. The same shall apply when a General Electricity Utility intends to revise the provisions.

- (2) A General Electricity Utility shall not provide a Wheeling Service under

supply conditions other than those set out in the Wheeling Service provisions for which notification was given pursuant to the preceding paragraph; provided, however, that this 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 Wheeling Service under the Wheeling Service provisions.

- (3) The Minister of Economy, Trade and Industry may, when he/she finds that the Wheeling Service provisions to which the notification given under paragraph 1 pertained fail to fall under any of the following items, order the General Electricity Utility to revise the Wheeling Service provisions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.
 - (i) There is no risk of harm to the interests of recipients of electricity supply under general supply provisions or Optional Supply Provisions.
 - (ii) It is unlikely that the recipients of electricity supply under the Wheeling Service provisions to which the notification given under paragraph 1 pertained would experience any difficulty in receiving the Wheeling Service.
 - (iii) The rates are clearly set as fixed rates or fixed amounts.
 - (iv) The responsibilities of the General Electricity Utility and the recipients of electricity supply under the Wheeling Service provisions to which the notification given under paragraph 1 pertained, as well as the method of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly.
 - (v) Certain persons are not treated in an unfair and discriminatory manner.
 - (vi) In addition to what is listed in the preceding items, the rates and conditions do not hinder the promotion of public interest.
- (4) A General Electricity Utility shall, when having given notification pursuant to paragraph 1, publicize the Wheeling Service provisions pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.
- (5) Where a General Electricity Utility has refused to provide a Wheeling Service without justifiable grounds, the Minister of Economy, Trade and Industry may order the General Electric Industry to provide a Wheeling Service.

(Cross-Area Wheeling Service by Wholesale Electricity Utility)

Article 24-4 (1) A Wholesale Electricity Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, notify the Minister of Economy, Trade and Industry of the rates and other supply conditions for its Cross-Area Wheeling Service (limited, however, to such services for supplying electricity to be used for General Electricity Business, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same shall apply in this Article and Article 24-7); provided, however, that this shall not apply where the Minister of Economy,

Trade and Industry has granted approval based on the recognition that the Wholesale Electricity Utility is not expected to provide a Cross-Area Wheeling Service in light of the condition of the electric lines that the Wholesale Electricity Utility maintains and operates.

- (2) The provision of the main clause of the preceding paragraph shall apply mutatis mutandis when a Wholesale Electricity Utility intends to revise the rates and/or other supply conditions for which notification was given pursuant to the main clause of the said paragraph.
- (3) A Wholesale Electricity Utility (excluding, however, those that have obtained approval under the proviso of paragraph 1; hereinafter the same shall apply in this Article and Article 24-7) shall not provide a Cross-Area Wheeling Service at rates and other supply conditions other than those for which notification was given pursuant to the main clause of paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to the preceding paragraph).
- (4) 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 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) fail to fall under any of the following items, order the Wholesale Electricity Utility to revise the rates and/or supply conditions, within a reasonable time limit set by the Minister of Economy, Trade and Industry.
 - (i) It is unlikely that the recipients of electricity supply under the rates and other supply conditions to which the notification given under the main clause of paragraph 1 pertained would experience any difficulty in receiving the Cross-Area Wheeling Service.
 - (ii) The rates are clearly set as fixed rates or fixed amounts.
 - (iii) The responsibilities of the Wholesale Electricity Utility and recipients of electricity supply under the rates and other supply conditions to which the notification given under the main clause of paragraph 1 pertained, as well as the method of sharing expenses between them for electricity meters and works, are provided for appropriately and clearly.
 - (iv) Certain persons are not treated in an unfair and discriminatory manner.
 - (v) In addition to what is listed in the preceding items, the rates and conditions do not hinder the promotion of public interest.
- (5) Where a Wholesale Electricity Utility has refused to provide a Cross-Area Wheeling Service without justifiable grounds, the Minister of Economy, Trade and Industry may order the Wholesale Electricity Utility to provide a Cross-Area Wheeling Service.

(Accounting concerning Wheeling Service and Other Services by General

Electricity Utility, etc.)

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

(2) A General Electricity 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 Wheeling Service by General Electricity Utility)

Article 24-6 (1) A General Electricity Utility shall not conduct any of the following acts.

(i) Use by itself or provide another person with information concerning other persons who supply electricity (hereinafter referred to as "Electricity Suppliers" in the next item) and electricity users, which the General Electricity Utility has become aware of in the course of providing a Wheeling Service, for purposes other than using it for the service.

(ii) In the course of providing a Wheeling Service, apply unreasonable preferential treatment or give benefit, or apply unreasonable disadvantageous treatment or cause disadvantages to any particular Electric Supplier.

(2) The Minister of Economy, Trade and Industry may, when he/she finds that a General Electricity Utility has committed an act in violation of the preceding paragraph, order the General Electricity Utility to discontinue or correct that act.

(Application Mutatis Mutandis)

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

(Electricity Supply outside Service Area of General Electricity Utility)

Article 25 (1) A General Electricity Utility shall, when intending to supply electricity to meet demand in an area other than its service area, obtain a license from the Minister of Economy, Trade and Industry for each recipient of electricity supply and each place where electricity is to be supplied; provided, however, that this shall not apply when a General Electricity Utility supplies electricity in the course of conducting a Specified-Scale Electricity Business,

supplies electricity to be used for a General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business or provides a Cross-Area Wheeling Service (limited, however, to such services for supplying electricity to be used for a General Electricity Business, Specified Electricity Business or Specified-Scale Electricity Business).

- (2) The Minister of Economy, Trade and Industry shall not grant a license under the preceding paragraph unless he/she finds that the application for the license under the said paragraph conforms to all of the following items.
- (i) Where the supply of electricity is intended to meet demand in the service area of another General Electricity Utility, it is not easy or appropriate for such another General Electricity Utility to supply electricity in that area.
 - (ii) The supply of electricity is not intended to meet demand at the Point of Business Commencement of a Specified Electricity Utility.

(Voltage and Frequency)

Article 26 (1) An Electricity Utility (excluding Wholesale Electricity Utility and Specified-Scale Electricity Utility; hereinafter the same shall apply in this Article) shall endeavor to maintain the voltage value and frequency value of the electricity that the Electricity Utility supplies at the levels specified 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 the interest of electricity users is harmed because the voltage value or frequency value of the electricity supplied by an Electricity Utility is not maintained at the levels specified by an Ordinance of the Ministry of Economy, Trade and Industry under the preceding paragraph, order the Electricity Utility to repair or alter the Electric Facilities, improve the method of operating the Electric Facilities and take other necessary measures in order to maintain the specified levels.
- (3) An Electricity Utility shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, measure the voltage and frequency of the electricity that the Electricity Utility supplies, record the values measured and preserve such records.

(Restriction on Use of Electricity)

Article 27 When it seems that if no adjustment is made to the supply and demand of electricity, a shortage of electricity supply will adversely affect the national economy, standard of living or public interest, the Minister of Economy, Trade and Industry may, to the extent necessary² for resolving such a situation and pursuant to the provision of a Cabinet Order, restrict the use of electricity supplied by a General Electricity Utility, Specified Electricity Utility or Specified-Scale Electricity Utility by limiting the power usage or peak load

or specifying the purpose of use or the date and time when power usage should be stopped, or restrict the receiving of electricity from a General Electricity Utility, Specified Electricity Utility or Specified-Scale Electricity Utility by limiting the capacity of receiving electricity.

Subsection 2 Wide-Area Operations

(Cooperation among Electricity Utilities)

Article 28 Electricity Utilities shall, in the course of implementing electric power development projects, supplying electricity, operating Electric Facilities and performing other business activities, cooperate with one another while appropriately making use of the capabilities of Wholesale Suppliers, so as to contribute to the comprehensive and reasonable development of Electricity Businesses through wide-area operations.

(Supply Plan)

Article 29 (1) An Electricity Utility (excluding a Specified Electricity Utility and Specified-Scale Electricity Utility; hereinafter the same shall apply in this Article) 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 electricity and the installation and operation of Electric Facilities for such a period from the said business year as specified by an Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as a "Supply Plan") and notify the Minister of Economy, Trade and Industry of the plan prior to the start of the business year.

(2) An Electricity Utility shall, when having revised the Supply Plan, 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 that the Supply Plan is not appropriate for realizing the comprehensive and reasonable development of Electricity Businesses through wide-area operations, recommend that the Electricity Utility should revised the Supply Plan.

(4) Where the Minister of Economy, Trade and Industry has made recommendations pursuant to the preceding paragraph, he/she may, when deeming it particularly necessary and appropriate, order the Electricity Utility to take the following measures; provided, however, that the Minister shall not order a Wholesale Electricity Utility to take the measure set forth in item 3.

(i) Supply electricity to a General Electricity Utility.

(ii) Provide a Cross-Area Wheeling Service.

(iii) Receive electricity supply.

(iv) Lease Electric Facilities to or from an Electricity Utility or share Electric Facilities with an Electricity Utility.

Subsection 3 Supervision

(Order for Improvement of Operational Procedure)

Article 30 The Minister of Economy, Trade and Industry may, when a General Electricity Utility or Specified Electricity Utility fails to make the necessary repairs or take other measures immediately to eliminate any stoppage to the electricity supply arising from an accident or he/she finds that the interest of electricity users is adversely affected because the General Electricity Utility's or Specified Electricity Utility's operational procedure for supplying electricity is inappropriate, order the General Electricity Utility or Specified Electricity Utility to improve the operational procedure.

(Supply Order, etc.)

Article 31 (1) In the event of a disaster or other emergency, the Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary and appropriate in order to secure public interest, order an Electricity Utility to take the following measures; provided, however, that the Minister shall not order a Wholesale Electricity Utility to take the measure set forth in item 3.

(i) Supply electricity to a General Electricity Utility, Specified Electricity Utility or Specified-Scale Electricity Utility.

(ii) Provide a Cross-Area Wheeling Service to an Electricity Utility.

(iii) Receive electricity supply from an Electricity Utility.

(iv) Lease Electric Facilities to or from an Electricity Utility or share Electric Facilities with an Electricity Utility.

(2) Where an order has been issued pursuant to the preceding paragraph, the amount payable or receivable by each party concerned and other details on the execution of the order shall be determined by consultation between the parties.

Article 32 (1) When the parties have failed to consult as set forth in paragraph 2 of the preceding Article or reach an agreement through consultation, either party may apply for an award by the Minister of Economy, Trade and Industry.

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

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

(4) Where an award been issued pursuant to paragraph 1, it shall be deemed that the parties concerned have reached an agreement through consultation as

determined by the award.

Article 33 (1) Either party that is dissatisfied with the amount payable or receivable by that party as determined by an award issued under paragraph 1 of the preceding Article 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.

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

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

Section 3 Accounting and Finance

(Keeping of Accounts, etc.)

Article 34 (1) An Electricity Utility (excluding a Specified-Scale Electricity Utility; hereinafter the same shall apply in the next paragraph, Article 35 and Article 36, paragraph 1) 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) An Electricity 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 of General Electricity Utility)

Article 34-2 (1) A General Electricity 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 supplying electricity to meet Specified-Scale Demand.

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

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

(2) A General Electricity 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 35 The Minister of Economy, Trade and Industry may, when he/she finds it particularly necessary in order to ensure the proper performance of an Electricity Business (excluding a Specified-Scale Electricity Business; hereinafter the same shall apply in this Article and the next Article), order the Electricity Utility to record a reasonable amount of depreciation of fixed assets used for the Electricity Business by specifying a method or amount or set aside reserves or allowances by specifying a method or amount.

(Drought Reserve)

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

(2) Except when permitted by the Minister of Economy, Trade and Industry for special reasons, the drought reserves accumulated under the preceding paragraph shall not be disposed of for purposes other than appropriating them to cover a decrease in income from the Electricity Business or an increase in expenditure for the Electricity Business that has occurred each business year because the quantity of electricity generated at the hydraulic power plant has been less than the quantity specified by an Ordinance of the Ministry of Economy, Trade and Industry as a result of a decrease in river discharge.

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

(General Security)

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

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

Chapter III Electric Facilities
Section 1 Definitions

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

- (i) Electric Facilities for receiving electricity from another person at a voltage lower than that specified by an Ordinance of the Ministry of Economy, Trade and Industry and using the electricity thus received at the same premises where it has been received (including Small Capacity Generation Facilities installed in the same premises and electrically connected with such Electric Facilities), which are electrically connected with Electric Facilities installed outside the premises only via the electric lines used for receiving electricity.
 - (ii) Small Capacity Generation Facilities installed at the premises (including Electric Facilities installed at the same premises and electrically connected with such generation facilities for using electricity), which are electrically connected with Electric Facilities installed outside the premises only via the electric lines used by another person at the said premises for receiving electricity at a voltage lower than that specified by an Ordinance of the Ministry of Economy, Trade and Industry under the preceding item.
 - (iii) Electric Facilities specified by an Ordinance of the Ministry of Economy, Trade and Industry as similar to what is listed in the preceding two items.
- (2) The term "Small Capacity Generation Facilities" as used in the preceding paragraph shall mean Electric Facilities for electricity generation at a voltage lower than that specified by an Ordinance of the Ministry of Economy, Trade and Industry, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The term "Electric Facilities for Business Use" as used in this Act shall mean Electric Facilities other than Electric Facilities for General Use.
- (4) The term "Electric Facilities for Private Use" as used in this Act shall mean Electric Facilities other than Electric Facilities used for an Electricity Business and Electric Facilities for General Use.

Section 2 Electric Facilities for Business Use
Subsection 1 Conformity to Technical Standards

(Maintenance of Electric Facilities for Business Use)

Article 39 (1) A person who installs Electric Facilities for Business Use shall maintain the Electric Facilities for Business Use to ensure that they conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry.

(2) The Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph shall be formulated in accordance with the following.

(i) Electric Facilities for Business Use shall not cause bodily harm nor inflict damage to objects.

(ii) Electric Facilities for Business Use shall not cause electric nor magnetic interference with the functioning of other electric equipment or objects.

(iii) Damage to Electric Facilities for Business Use shall not significantly hinder the supply of electricity by a General Electricity Utility.

(iv) Where Electric Facilities for Business Use are used for a General Electricity Business, damage to the Electric Facilities for Business Use shall not significantly hinder the supply of electricity pertaining to the General Electricity Business.

(Order for Conformity to Technical Standards)

Article 40 The Minister of Economy, Trade and Industry may, when he/she finds that Electric Facilities for Business Use do not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under paragraph 1 of the preceding Article, order the person who installs the Electric Facilities for Business Use to repair or alter the Electric Facilities for Business Use to ensure conformity to the technical standards, or order the person to relocate the facilities or suspend the use of them, or restrict the person from using the facilities.

(Sharing of Expense, etc.)

Article 41 (1) Where Electric Facilities for Business Use have ceased to conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39, paragraph 1 as a result of the installation of electric equipment or other objects owned by another person (excluding, however, those specified by a Cabinet Order), necessary measures to be taken to ensure conformity to the technical standards or the method of sharing expenses for such measures shall be determined through consultation between the parties; provided, however, that where the method of sharing expenses is specified by a Cabinet Order, such method shall apply.

(2) The provisions of Article 32 and Article 33 shall apply mutatis mutandis where the parties have failed to consult as set forth in the preceding paragraph

or reach an agreement through consultation.

- (3) The Minister of Economy, Trade and Industry shall, when he/she intends to issue an award under Article 32, paragraph 1 as applied mutatis mutandis pursuant to the preceding paragraph, consult with the ministers concerned in advance pursuant to the provision of a Cabinet Order.

Subsection 2 Independent Safety Measures

(Safety Regulations)

- Article 42 (1) A person who installs Electric Facilities for Business Use shall, in order to ensure safety of the construction, maintenance and operation of the Electric Facilities for Business Use, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, establish safety regulations for each organization in charge of the Electric Facilities for Business Use the safety of which should be secured uniformly, and notify the Minister of Economy, Trade and Industry of the regulations before the commencement of the use of the Electric Facilities for Business Use by the organization (in the case of facilities requiring self-inspection set forth in Article 50-2, paragraph 1 or operator's inspection set forth in Article 52, paragraph 1, before the commencement of the construction of the facilities).
- (2) A person who installs Electric Facilities for Business Use 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 Electric Facilities for Business Use, order the person who installs the Electric Facilities for Business Use to revise the safety regulations.
 - (4) A person who installs Electric Facilities for Business Use and employees thereof shall observe the safety regulations.

(Chief Engineer)

- Article 43 (1) A person who installs Electric Facilities for Business Use shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, appoint one or more chief engineers from among persons who have a chief engineer's license in order to cause him/her to supervise the safety of the construction, maintenance, and operation of the facilities.
- (2) Notwithstanding the provision of the preceding paragraph, a person who installs Electric Facilities for Private Use may, when permitted by the Minister of Economy, Trade and Industry, appoint a person who does not have a chief engineer's license as a chief engineer.
 - (3) A person who installs Electric Facilities for Business Use shall, when having

appointed a chief engineer (excluding, however, the case of an appointment permitted under the preceding paragraph), notify the Minister of Economy, Trade and Industry to that effect without delay. The same shall apply when such person has dismissed the chief engineer.

- (4) The chief engineer shall perform the duty of supervising the safety of the construction, maintenance, and operation of Electric Facilities for Business Use in good faith.
- (5) People who are engaged in the construction, maintenance or operation of Electric Facilities for Business Use shall follow the instructions given by the chief engineer to ensure the safety thereof.

(Chief Engineer's License)

Article 44 (1) The types of chief engineer's license shall be as follows.

- (i) First-Class Chief Electricity Engineer's License
 - (ii) Second-Class Chief Electricity Engineer's License
 - (iii) Third-Class Chief Electricity Engineer's License
 - (iv) First-Class Chief Dam/Waterway Engineer's License
 - (v) Second-Class Chief Dam/Waterway Engineer's License
 - (vi) First-Class Chief Boiler/Turbine Engineer's License
 - (vii) Second-Class Chief Boiler/Turbine Engineer's License
- (2) A chief engineer's license shall be granted by the Minister of Economy, Trade and Industry to persons who fall under any of the following.
 - (i) A person who holds the academic record or qualification and work experience specified by an Ordinance of the Ministry of Economy, Trade and Industry for each type of chief engineer's license.
 - (ii) With respect to the types of chief engineer's license listed in items 1 to 3 of the preceding paragraph, a person who has passed an examination for a chief electricity engineer's license.
 - (3) The Minister of Economy, Trade and Industry may choose not to grant a chief engineer's license to persons who fall under any of the following.
 - (i) A person who was ordered to return the chief engineer's license pursuant to the next paragraph, 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, before the elapse of a period of two years since the person served out the sentence or ceased to be subject to the sentence.
 - (4) Where a person who has a chief engineer's license has violated this Act or any order issued under this Act, the Minister of Economy, Trade and Industry may order that person to return the chief engineer's license.
 - (5) The scope of the construction, maintenance and operation of the Electric

Facilities for Business Use for which a person who has a chief engineer's license is in charge of safety supervision as well as the procedural matters concerning the grant of a chief engineer's license shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Entrustment of Licensing Affairs)

Article 44-2 (1) The Minister of Economy, Trade and Industry may, pursuant to the provision of a Cabinet Order, entrust the whole or a part of the affairs concerning chief engineer's licenses (limited, however, to those listed in items 1 to 3 of paragraph 1 of the preceding Article) to a Designated Examining Body set forth in paragraph 2 of the next Article (these affairs shall not include the affairs concerning the return of a chief engineer's license nor other affairs specified by a Cabinet Order; hereinafter referred to as "Licensing Affairs").

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

(Examination for Chief Electricity Engineer's License)

Article 45 (1) An examination for a chief electricity engineer's license shall be conducted by the Minister of Economy, Trade and Industry for each type of chief engineer's license with respect to the knowledge and skills required for ensuring safety in the construction, maintenance and operation of Electric Facilities for Business Use.

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

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

Article 46 Deleted

Subsection 2-2 Special Provisions Concerning Environmental Impact Assessment³

(Environmental Impact Assessment on Electric Facilities for Business Use)

Article 46-2 An environmental impact assessment prescribed in Article 2, paragraph 1 of the Environmental Impact Assessment Act (Act No. 81 of 1997)

on a construction project⁴ to install or modify Electric Facilities for Business Use that falls under the category of Class 1 Projects prescribed in paragraph 2 of the said Article or the category of Class 2 Projects prescribed in paragraph 3 of the said Article (hereinafter referred to as an "Environmental Impact Assessment") and relevant procedures shall be as provided for by the said Act and this Subsection.

(Environmental Impact Assessment by Simple Procedure)

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

(Preparation of Scoping Document)

Article 46-4 A person who intends to implement a construction project to install or modify Electric Facilities for Business Use that falls under the category of relevant projects prescribed in Article 2, paragraph 4 of the Environmental Impact Assessment Act (such projects shall hereinafter be referred to as "Specific Relevant Projects," and such a person shall hereinafter be referred to as a "Specific Proponent") shall state in a scoping document concerning an environmental impact assessment set forth in Article 5, paragraph 1 of the said Act (hereinafter be referred to as a "Scoping Document") the items to be considered in an Environmental Impact Assessment of the Specific Relevant Project as well as the survey, prediction and assessment methods to be employed, notwithstanding the provision of item 4 of the said paragraph.

(Submission of Scoping Document)

Article 46-5 A Specific Proponent shall, when submitting a Scoping Document pursuant to Article 6, paragraph 1 of the Environmental Impact Assessment Act, also submit the document to the Minister of Economy, Trade and Industry.

(Submission of Outline of Comments on Scoping Document)

Article 46-6 (1) A Specific Proponent shall state in a document set forth in Article 9 of the Environmental Impact Assessment Act the matters prescribed in the said Article as well as the proponent's view on the comments given

under Article 8, paragraph 1 of the said Act.

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

(Comments of Prefectural Governor on Scoping Document)

Article 46-7 (1) Comments of a prefectural governor set forth in Article 10, paragraph 1 of the Environmental Impact Assessment Act that relate to a Specific Relevant Project shall, notwithstanding the provision of the said paragraph, be submitted to the Minister of Economy, Trade and Industry instead of the proponent, as comments to be given under the said paragraph.

- (2) A prefectural governor shall submit comments set forth in Article 10, paragraph 1 of the Environmental Impact Assessment Act that relate to a Specific Relevant Project pursuant to paragraph 3 of the said Article, while giving due consideration to the proponent's views stated in the document set forth in Article 9 of the said Act pursuant to paragraph 1 of the preceding Article.

(Recommendations on Scoping Document)

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

- (2) The Minister of Economy, Trade and Industry shall, when he/she finds it unnecessary to make recommendations pursuant to the preceding paragraph, notify the Specific Proponent to that effect without delay.
- (3) The Minister of Economy, Trade and Industry shall, when he/she makes recommendations pursuant to paragraph 1 or gives notification pursuant to the preceding paragraph, also send a copy of the document set forth in Article 10,

paragraph 1 of the Environmental Impact Assessment Act to the Specific Proponent.

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

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

(Preparation of Draft Environmental Impact Statement)

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

(Submission of Draft EIS)

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

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

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

(Comments of Relevant Prefectural Governor on Draft EIS)

Article 46-13 Comments of a relevant prefectural governor set forth in Article 20, paragraph 1 of the Environmental Impact Assessment Act that relate to a Specific Relevant Project shall, notwithstanding the provision of the said paragraph, be submitted to the Minister of Economy, Trade and Industry instead of the proponent, as comments to be given under the said paragraph.

(Recommendations on Draft EIS)

Article 46-14 (1) Where a Draft EIS has been submitted pursuant to Article 46-11, and the Minister of Economy, Trade and Industry finds it necessary in order to examine the draft EIS and ensure that due consideration will be given to environmental preservation in the Specific Relevant Project pertaining to

the draft EIS, while taking into account the relevant prefectural governor's comments given under Article 20, paragraph 1 of the Environmental Impact Assessment Act as well as the outline of the comments under Article 18, paragraph 1 of the said Act and the proponent's views thereon, which are submitted pursuant to Article 46-12, the Minister may, within a period specified by an Ordinance of the Ministry of Economy, Trade and Industry from the day when the submission made under Article 46-11 is received, make necessary recommendations to the Specific Proponent regarding an Environmental Impact Assessment on the Specific Relevant Project.

- (2) The Minister of Economy, Trade and Industry shall, when he/she conducts an examination pursuant to the preceding paragraph, consult with the Minister of the Environment from the standpoint of preserving the environment.
- (3) The Minister of Economy, Trade and Industry shall, when he/she finds it unnecessary to make recommendations pursuant to paragraph 1, notify the Specific Proponent to that effect without delay.
- (4) The Minister of Economy, Trade and Industry shall, when he/she makes recommendations pursuant to paragraph 1 or gives notification pursuant to the preceding paragraph, also send a copy of the document set forth in Article 20, paragraph 1 of the Environmental Impact Assessment Act to the Specific Proponent.

(Preparation of Environmental Impact Statement)

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

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

(Submission of EIS)

Article 46-16 A Specific Proponent shall, when having prepared an EIS pursuant to Article 21, paragraph 2 of the Environmental Impact Assessment Act, submit the EIS to the Minister of Economy, Trade and Industry. The same shall apply where the Specific Proponent has revised the EIS in response to an order issued under paragraph 1 of the next Article.

(Order of Revision)

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

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

(Submission of EIS)

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

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

(Making EIS Public and Available for Public Inspection)

Article 46-19 In the case of the application of Article 27 of the Environmental Impact Assessment Act to a Specific Proponent, the phrase "made submission or notification pursuant to Article 25, paragraph 3" in the said Article shall be deemed to be replaced with "received notification pursuant to Article 46-17, paragraph 2 of the Electricity Business Act," the term "EIS" shall be deemed to be replaced with "EIS to which the notification pertained," and the phrase "EIS, summary, and a document set forth in Article 24" shall be deemed to be replaced with "EIS to which the notification pertained, a summary thereof, and a document stating the content of the order issued under paragraph 1 of the said Article."

(Consideration of Environmental Preservation)

Article 46-20 A Specific Proponent shall implement a Specific Relevant Project while giving due consideration to environmental preservation pursuant to

Article 38, paragraph 1 of the Environmental Impact Assessment Act, and shall maintain and operate the Electric Facilities for Business Use pertaining to the Specific Relevant Project while giving due consideration to environmental preservation based on the content of the EIS to which the notification given under Article 46-17, paragraph 2 pertained.

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

Article 46-21 In addition to what is provided for in this Subsection, the technical replacement of terms and phrases upon applying the Environmental Impact Assessment Act to a Specific Proponent and other necessary matters concerning the application of the said Act to a Specific Proponent shall be specified by a Cabinet Order.

(Exclusion from Application of the Environmental Impact Assessment Act)

Article 46-22 The provisions of Articles 22 to 26 and Articles 33 to 37 of the Environmental Impact Assessment Act shall not apply to a Specific Relevant Project to be implemented by a Specific Proponent.

Subsection 3 Construction Plan and Inspection

(Construction Plan)

Article 47 (1) A person who intends to implement a construction project to install or modify Electric Facilities for Business Use, when such construction project has been specified by an Ordinance of the Ministry of Economy, Trade and Industry as being particularly important for assuring public safety, shall obtain approval of the plans for the construction project from the Minister of Economy, Trade and Industry; provided, however, that this shall not apply to any unavoidable temporary work to be implemented in the event of loss of or damage to Electric Facilities for Business Use or in the event of a disaster or other emergency.

(2) A person who has obtained approval under the preceding paragraph and intends to revise the approved construction plan shall obtain approval of the revision from the Minister of Economy, Trade and Industry; provided, however, that this shall not apply to any minor revision specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(3) The Minister of Economy, Trade and Industry shall, when he/she finds that the construction plan to which the application for approval under the preceding two paragraphs pertained conforms to all of the following items, grant approval under the preceding two paragraphs.

(i) The Electric Facilities for Business Use conform to the technical standards

established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39, paragraph 1.

- (ii) Where the Electric Facilities for Business Use are used for a General Electricity Business, the Electric Facilities for Business Use are technically appropriate for securing the smooth supply of electricity.
 - (iii) In the case of a construction plan for a Specific Relevant Project, the plan is in accordance with the EIS to which the notification given under Article 46-17, paragraph 2 pertained with respect to the Specific Relevant Project.
 - (iv) In the case of a construction plan for a Class 2 Project prescribed in Article 2, paragraph 3 of the Environmental Impact Assessment Act (excluding a Specific Relevant Project), the measures set forth in Article 4, paragraph 3, item 2 of the said Act (including the cases where it is applied *mutatis mutandis* pursuant to paragraph 4 of the said Article and paragraph 2 of Article 29 of the said Act) have been taken.
- (4) In the case referred to in the proviso of paragraph 1, a person who installs Electric Facilities for Business Use shall, after having commenced the construction project, notify the Minister of Economy, Trade and Industry to that effect without delay.
- (5) In the case referred to in the proviso of paragraph 2, a person who has obtained approval under paragraph 1 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 the cases specified by an Ordinance of the Ministry of Economy, Trade and Industry.

Article 48 (1) A person who intends to implement a construction project to install or modify Electric Facilities for Business Use (excluding, however, those specified by an Ordinance of the Ministry of Economy, Trade and Industry under paragraph 1 of the preceding Article), which is specified by an Ordinance of the Ministry of Economy, Trade and Industry, shall notify the Minister of Economy, Trade and Industry of the plan of the construction project. The same shall apply where the person intends to revise the construction plan (excluding, however, any minor revision specified by an Ordinance of the Ministry of Economy, Trade and Industry).

- (2) The person who has given notification pursuant to the preceding paragraph shall not commence the construction project to which the notification pertained until 30 days have elapsed from the day when the notification was received.
- (3) The Minister of Economy, Trade and Industry may, when he/she finds that the construction plan for which notification was given pursuant to paragraph 1 conforms to all of the following items, shorten the period prescribed in the preceding paragraph.

- (i) The requirements listed in the items of paragraph 3 of the preceding Article
 - (ii) In the case of a construction project concerning Electric Facilities for Business Use for electricity generation by means of hydraulic power, the Electric Facilities for Business Use are technically appropriate for assuring the effective utilization of hydraulic power for electricity generation.
- (4) When the Minister of Economy, Trade and Industry finds that the construction plan for which notification was given pursuant to paragraph 1 fails to conform to any of the items of the preceding paragraph, he/she may, within 30 days from the day when the notification is received (if the period prescribed in paragraph 2 has been extended pursuant to the next paragraph, the extended period), order the person who has given the notification to revise or abolish the construction plan.
- (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 construction plan for which notification was given pursuant to paragraph 1 conforms to the items of paragraph 3 and that such examination will not be completed within the period prescribed in paragraph 2, extend the period up to a period of time that he/she considers reasonable. 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.

(Pre-use Inspection)

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

shall pass the inspection set forth in the preceding paragraph.

- (i) The construction project for the facilities has been implemented according to the construction plan approved under Article 47, paragraph 1 or paragraph 2 (including 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) or the construction plan for which notification was given pursuant to paragraph 1 of the preceding Article (including such plan following any minor revision specified by an Ordinance of the Ministry of Economy, Trade and Industry under the second sentence 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 39, paragraph 1.
- (3) The Minister of Economy, Trade and Industry shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, cause the Japan Nuclear Energy Safety Organization (hereinafter referred to as the "JNES") to perform part of the affairs concerning the inspection set forth in paragraph 1 as to whether or not the Specific Electric Facilities for Business Use for electricity generation by means of nuclear power, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, conform to all of the items of the preceding paragraph.
- (4) The JNES shall, when having administered part of the affairs concerning the inspection pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry of the inspection results without delay pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

Article 50 (1) Where the Minister of Economy, Trade and Industry has conducted the inspection pursuant to paragraph 1 of the preceding Article with respect to the Electric Facilities for Business Use prescribed in the said paragraph and finds it unavoidable, he/she may regard the Electric Facilities for Business Use as having provisionally passed the inspection, designating the period and method of use thereof.

- (2) Notwithstanding the provision of paragraph 1 of the preceding Article, Electric Facilities for Business Use 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.

(Pre-use Safety Management Inspection)

Article 50-2 (1) A person who installs Electric Facilities for Business Use to be

installed or modified according to the construction plan for which notification was given pursuant to Article 48, paragraph 1 (in the case where an order has been issued with respect to the construction plan relating to Electric Facilities pursuant to paragraph 4 of the said Article, but notification has not yet been given pursuant to paragraph 1 of the said Article, such facilities shall be excluded; the facilities specified by an Ordinance of the Ministry of Economy, Trade and Industry under Article 49, paragraph 1 shall also be excluded), which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, shall conduct a self-inspection of the Electric Facilities for Business Use before commencing the use thereof, record the inspection results, and preserve such records, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

- (2) In the self-inspection set forth in the preceding paragraph (hereinafter referred to as the "Pre-use Self-Inspection"), it is necessary to confirm that the Electric Facilities for Business Use conform to all of the following items.
 - (i) The construction project for the facilities has been implemented according to the construction plan for which notification was given pursuant to Article 48, paragraph 1 (including such plan following any minor revision specified by an Ordinance of the Ministry of Economy, Trade and Industry under the second sentence 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 39, paragraph 1.
- (3) A person who installs Electric Facilities for Business Use subject to a Pre-use Self-Inspection shall, within the period specified by an Ordinance of the Ministry of Economy, Trade and Industry (in the case where notification has been given under paragraph 7, the period specified by an Ordinance of the Ministry of Economy, Trade and Industry depending on the past evaluation of the Pre-use Self-Inspection to which the notification pertained), submit the system for conducting a Pre-use Self-Inspection to undergo examination by a person registered by the Minister of Economy, Trade and Industry in the case where the person installs Electric Facilities for Business Use specified by an Ordinance of the Ministry of Economy, Trade and Industry, or examination by the Minister of Economy, Trade and Industry in the case of other persons.
- (4) The examination set forth in the preceding paragraph shall be conducted, in accordance with the principle of ensuring safety management for Electric Facilities for Business Use, with respect to the organization in charge of a Pre-use Self-Inspection, inspection methods, process control, and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (5) A person registered by the Minister of Economy, Trade and Industry under paragraph 3 shall, when having completed the examination set forth in the

said paragraph, notify the Minister of Economy, Trade and Industry of the examination results pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry without delay.

(6) The Minister of Economy, Trade and Industry shall, based on the results of the examination conducted under paragraph 3 (including the examination results for which notification was given pursuant to the preceding paragraph), comprehensively evaluate the system for conducting a Pre-use Self-Inspection submitted by the person who installs the Electric Facilities for Business Use.

(7) The Minister of Economy, Trade and Industry shall notify the person who has undergone the examination under paragraph 3 of the results of the examination as well as the results of the evaluation set forth in the preceding paragraph.

(Fuel Assembly Inspection)

Article 51 (1) Nuclear fuel material to be used as fuel for nuclear reactors for electricity generation (hereinafter referred to as "Fuel Assembly") shall not be used unless and until it undergoes and passes an inspection conducted by the Minister of Economy, Trade and Industry for each processing stage specified by an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to the case prescribed in paragraph 3 and the cases specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(2) A Fuel Assembly that conforms to the following items shall pass the inspection set forth in the preceding paragraph.

(i) The processing of the Fuel Assembly has been implemented based on a design approved in advance by the Minister of Economy, Trade and Industry.

(ii) The Fuel Assembly conforms to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry.

(3) Any imported Fuel Assembly shall not be used unless and until it undergoes and passes an inspection conducted by the Minister of Economy, Trade and Industry.

(4) A Fuel Assembly that conforms to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under paragraph 2, item 2 shall pass the inspection set forth in the preceding paragraph.

(5) The Minister of Economy, Trade and Industry shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, cause the JNES to administer part of the affairs concerning the inspections set forth in paragraph 1 and paragraph 3.

(6) The JNES shall, when having administered part of the affairs concerning the inspection pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry of the inspection results pursuant to the

provision of an Ordinance of the Ministry of Economy, Trade and Industry without delay.

(Safety Management Inspection on Welding)

- Article 52 (1) A person who installs Electric Facilities falling under the category of boilers, turbines and other machines or apparatuses for electricity generation specified by an Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as "Boilers, etc."), of which some parts under a pressure higher than that specified by an Ordinance of the Ministry of Economy, Trade and Industry (hereinafter be referred to as "Pressure Parts") are to be welded (hereinafter be referred to as "Specific Boilers, etc." in paragraph 3) or Electric Facilities falling under the category of vessels and other machines and apparatuses specified by an Ordinance of the Ministry of Economy, Trade and Industry with respect to nuclear reactors for electricity generation (hereinafter referred to as "Vessels, etc."), which require welding (hereinafter referred to as "Specific Vessels, etc." in paragraph 3), or imported Boilers, etc. of which Pressure Parts are welded (hereinafter referred to as "Imported Specific Boilers, etc." in paragraph 3) or imported Vessels, etc. of which Pressure Parts are welded (hereinafter referred to as "Imported Specific Vessels, etc." in paragraph 3) shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry with respect to welding, conduct an operator's inspection of the Electric Facilities before commencing the use thereof, record the inspection results and preserve such records; provided, however, that this shall not apply to the cases specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (2) In the inspection set forth in the preceding paragraph (hereinafter referred to as the "Operator's Inspection on Welding"), it is necessary to confirm that the welding conforms to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39, paragraph 1.
- (3) A person who installs Electric Facilities subject to an Operator's Inspection on Welding shall, within the period specified by an Ordinance of the Ministry of Economy, Trade and Industry (in the case where notification has been given under Article 50-2, paragraph 7 as applied mutatis mutandis pursuant to paragraph 5, the period specified by an Ordinance of the Ministry of Economy, Trade and Industry depending on the past evaluation of the Operator's Inspection on Welding to which the notification pertained), submit the system for conducting an Operator's Inspection on Welding to undergo examination by the JNES in the case where the person installs Specific Boilers, etc. or Imported Specific Boilers, etc. for electricity generation by means of nuclear power which are specified by an Ordinance of the Ministry of Economy, Trade and Industry or Specific Vessels, etc. or Imported Specific Vessels, etc. which

are specified by an Ordinance of the Ministry of Economy, Trade and Industry, or examination by a person registered by the Minister of Economy, Trade and Industry in the case of other persons.

- (4) The examination set forth in the preceding paragraph shall be conducted, in accordance with the principle of ensuring safety management for Electric Facilities, with respect to the organization in charge of an Operator's Inspection on Welding, inspection methods, process control, and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (5) The provisions of Article 50-2, paragraphs 5 to 7 shall apply mutatis mutandis to the examination set forth in paragraph 3. In this case, the phrase "a person registered by the Minister of Economy, Trade and Industry under paragraph 3" in paragraph 5 of the said Article shall be deemed to be replaced with "JNES or a person registered by the Minister of Economy, Trade and Industry under paragraph 3," and the term "Electric Facilities for Business Use" in paragraph 6 of the said Article shall be deemed to be replaced with "Electric Facilities."

(Commencement of Use of Electric Facilities for Private Use)

Article 53 A person who installs Electric Facilities for Private Use shall, after having commenced the use of the Electric Facilities for Private Use, notify the Minister of Economy, Trade and Industry to that effect without delay; provided, however, that this shall not apply to the cases of using Electric Facilities for Private Use for which approval has been granted under Article 47, paragraph 1 or for which notification was given under paragraph 4 of the said Article or paragraph 1 of Article 48 and to the cases specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Periodic Inspection)

Article 54 (1) A person who installs Specific Important Electric Facilities (which means boilers, turbines and other Electric Facilities for electricity generation, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry as being particularly important for assuring public safety and have some parts under a pressure higher than that specified by an Ordinance of the Ministry of Economy, Trade and Industry, as well as nuclear reactors for electricity generation and auxiliary equipment thereof, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same shall apply in the next paragraph) shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, undergo an inspection conducted by the Minister of Economy, Trade and Industry at an interval specified by an Ordinance of the Ministry of Economy, Trade and Industry; provided, however, that this shall not apply to the cases specified by

an Ordinance of the Ministry of Economy, Trade and Industry.

- (2) The Minister of Economy, Trade and Industry shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, cause the JNES to administer part of the affairs concerning the inspection set forth in the preceding paragraph, with respect to Specific Important Electric Facilities for electricity generation by means of nuclear power, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) The JNES shall, when having administered part of the affairs concerning the inspection pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry of the inspection results pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry without delay.

(Periodic Safety Management Inspection)

- Article 55 (1) A person who installs Specific Electric Facilities (which means boilers, turbines and other Electric Facilities for electricity generation, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry and have some parts under a pressure higher than that specified under paragraph 1 of the preceding Article, as well as nuclear reactors for electricity generation and auxiliary equipment thereof, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry; hereinafter the same shall apply) shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, conduct an operator's inspection of the Specific Electric Facilities at periodic intervals, record the inspection results, and preserve such records.
- (2) In the inspection set forth in the preceding paragraph (hereinafter referred to as a "Periodic Operator's Inspection"), it is necessary to confirm that the Specific Electric Facilities conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39, paragraph 1.
 - (3) When a person who installs Specific Electric Facilities subject to a Periodic Operator's Inspection finds in the Periodic Operator's Inspection that any parts of the Specific Electric Facilities for electricity generation by means of nuclear power, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, are no longer likely to conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under Article 39, paragraph 1 after a certain period of time has elapsed, that person shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, estimate the time when such parts will cease to conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under the said paragraph and other matters

specified by an Ordinance of the Ministry of Economy, Trade and Industry, record the estimation results and preserve such records, as well as report on the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry to the Minister of Economy, Trade and Industry.

- (4) A person who installs Specific Electric Facilities subject to a Periodic Operator's Inspection shall, within the period specified by an Ordinance of the Ministry of Economy, Trade and Industry (in the case where notification has been given under Article 50-2, paragraph 7 as applied mutatis mutandis pursuant to paragraph 6, the period specified by an Ordinance of the Ministry of Economy, Trade and Industry depending on the past evaluation of the Periodic Operator's Inspection to which the notification pertained), submit the system for conducting a Periodic Operator's Inspection to undergo examination by the JNES in the case where that person installs Specific Electric Facilities for electricity generation by means of nuclear power, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, examination by a person registered by the Minister of Economy, Trade and Industry in the case where the person installs Specific Electric Facilities other than Specific Electric Facilities for electricity generation by means of nuclear power, which are specified by an Ordinance of the Ministry of Economy, Trade and Industry, or examination by the Minister of Economy, Trade and Industry in the case of other persons.
- (5) The examination set forth in the preceding paragraph shall be conducted, in accordance with the principle of ensuring safety management for Specific Electric Facilities, with respect to the organization in charge of a Periodic Operator's Inspection, inspection methods, process control, and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (6) The provisions of Article 50-2, paragraphs 5 to 7 shall apply mutatis mutandis to the examination set forth in paragraph 4. In this case, the phrase "a person registered by the Minister of Economy, Trade and Industry under paragraph 3" in paragraph 5 of the said Article shall be deemed to be replaced with "JNES or a person registered by the Minister of Economy, Trade and Industry under paragraph 4," and the term "Electric Facilities for Business Use" in paragraph 6 of the said Article shall be deemed to be replaced with "Specific Electric Facilities."

Subsection 4 Succession

(Succession to Status of Person Who Installs Electric Facilities for Business Use)

Article 55-2 (1) In the event of inheritance, merger or demerger of a person who installs Electric Facilities for Business Use (limited, however, to those

resulting in the taking over of the Electric Facilities for Business Use), 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 Electric Facilities for Business Use upon the demerger shall succeed to the status of the person who installs the Electric Facilities for Business Use as prescribed in this Act.

- (2) A person who has succeeded to the status of the person who installs Electric Facilities for Business Use pursuant to the preceding paragraph shall, without delay, notify the Minister of Economy, Trade and Industry to that effect, with a document proving such fact.

Section 3 Electric Facilities for General Use

(Order for Conformity to Technical Standards)

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

- (2) The provision of Article 39, paragraph 2 (excluding item 3 and item 4) shall apply mutatis mutandis to an Ordinance of the Ministry of Economy, Trade and Industry set forth in the preceding paragraph.

(Obligation to Investigate)

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

- (2) When an Electricity Supplier finds, as a result of the investigation conducted under the preceding paragraph, that the Electric Facilities for General Use do not conform to the technical standards established by an Ordinance of the Ministry of Economy, Trade and Industry under paragraph 1 of the preceding Article, the Electricity Supplier shall, without delay, notify the owner or

possessor of the facilities of the measures to be taken to ensure conformity to the technical standards and the possible consequences that might occur if such measures were not taken.

- (3) Where the Electricity Supplier fails to conduct an investigation under paragraph 1 or give notification under the preceding paragraph or applies an inappropriate method for investigation or notification, the Minister of Economy, Trade and Industry may order the Electricity Supplier to conduct an investigation or give a notification, or to improve the method for investigation or notification.
- (4) An Electricity Supplier shall keep books and state in such books the matters with respect to the affairs concerning the investigation under paragraph 1 and the notification under paragraph 2 specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (5) The books set forth in the preceding paragraph shall be preserved pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

(Entrustment of Investigation Services)

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

- (2) An Electricity Supplier shall, when having entrusted a Registered Investigation Body with the Investigation Services pursuant to the preceding paragraph, notify the Minister of Economy, Trade and Industry to that effect without delay. The same shall apply when an agreement for entrustment has expired.
- (3) The provision of paragraph 1 of the preceding Article shall not apply to the Electric Facilities for General Use for which an Electricity Supplier has entrusted a Registered Investigation Body with Investigation Services pursuant to paragraph 1.

Chapter IV Use of Land, etc.

(Temporary Use)

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

- (i) Establish a site for storing materials or parking vehicles, an earth dumping site, a work yard, or a tower or cableway for stringing, all of which are required to implement a construction project concerning Electric Lines to be used for an Electricity Business.
 - (ii) Install Electric Lines for urgent supply of electricity in the event of a natural disaster, incident or other emergency.
 - (iii) Install markers for the purpose of installing Electric Facilities to be used for an Electricity Business.
- (2) An Electricity Utility shall, when intending to use another person's Land, etc. temporarily pursuant to the preceding paragraph, obtain permission from the Minister of Economy, Trade and Industry; provided, however, that this shall not apply to the temporary use for a period not exceeding 15 days in the event of a natural disaster, incident or other emergency.
- (3) The Minister of Economy, Trade and Industry shall, when having received an application for permission under the preceding paragraph, notify the owner and possessor of the Land, etc. to that effect and provide them with the opportunity to submit a written opinion.
- (4) An Electricity Utility shall, when intending to use another person's Land, etc. temporarily pursuant to paragraph 1, notify the possessor of the Land, etc. in advance; provided, however, that if it is difficult to give notification in advance, it is sufficient for the Electricity Utility to give notification without delay after the commencement of the use.
- (5) Where the Land, etc. to be used temporarily under paragraph 1 is in use for residential purpose, consent shall be obtained from the resident.
- (6) The period of temporary use under paragraph 1 shall not exceed six months (or one year in the case where provisional Electric Lines have been installed under item 2 of the said paragraph, or temporary use takes place under item 3 of the said paragraph).
- (7) A person who enters another person's Land, etc. for the purpose of temporary use under paragraph 1 shall carry a document certifying that that person has obtained permission under paragraph 2, and show such document when requested by any person concerned; provided, however, that this shall not

apply to the case referred to in the proviso of the said paragraph.

(Entry)

Article 59 (1) An Electricity Utility may, when it is necessary in order to conduct the taking of measurements or field investigations of Electric Facilities to be used for an Electricity Business, enter another person's land with permission from the Minister of Economy, Trade and Industry.

(2) The provision of paragraph 3 of the preceding Article shall apply mutatis mutandis where an application for permission under the preceding paragraph has been filed.

(3) The provisions of paragraph 4 and paragraph 5 of the preceding Article and the main clause of paragraph 7 of the said Article shall apply mutatis mutandis where an Electricity Utility enters another person's land pursuant to paragraph 1.

(Passage)

Article 60 (1) An Electricity Utility may, when it is necessary in order to implement a construction project with regard to Electric Lines to be used for an Electricity Business or maintain Electric Lines, pass through another person's land.

(2) A person who passes through another person's land pursuant to the preceding paragraph shall carry a certificate of identification and show it when requested by any person concerned.

(3) The provisions of Article 58, paragraph 4 and paragraph 5 shall apply mutatis mutandis where an Electricity Utility passes through another person's land pursuant to paragraph 1.

(Clearing or Transplantation of Plants)

Article 61 (1) Where plants cause or are likely to cause interference with Electric Lines to be used for an Electricity Business or plants cause hindrance to taking measurements or field investigations with regard to Electric Facilities to be used for an Electricity Business or a construction project with regard to Electric Lines to be used for an Electricity Business, an Electricity Utility may, when it is unavoidable, clear or transplant such plants with permission from the Minister of Economy, Trade and Industry.

(2) An Electricity Utility shall, when intending to clear or transplant plants pursuant to the preceding paragraph, notify the owner of the plants in advance; provided, however, that if it is difficult to give notification in advance, it is sufficient for the Electricity Utility to give notification without delay after the clearing or transplantation.

(3) Where plants cause interference with Electric Lines to be used for an

Electricity Business and it appears that if such interference were left unaddressed it would significantly damage the Electric Lines, thereby causing serious hindrance to the supply of electricity or cause a fire or other disaster, thereby harming public safety, an Electricity Utility may, notwithstanding the provision of paragraph 1, clear or transplant such plants without permission from the Minister of Economy, Trade and Industry. In this case, the Electricity Utility shall, without delay after the clearing or transplantation, notify the Minister of Economy, Trade and Industry as well as the owner of the plants to that effect.

- (4) The provision of Article 58, paragraph 3 shall apply mutatis mutandis where an application for permission under paragraph 1 has been filed.

(Compensation for Loss)

Article 62 An Electricity Utility shall, when having caused any loss from temporarily using another person's Land, etc. pursuant to Article 58, paragraph 1, entering another person's land pursuant to Article 59, paragraph 1, passing through another person's land pursuant to Article 60, paragraph 1, or clearing or transplanting plants pursuant to paragraph 1 or paragraph 3 of the preceding Article, compensate a person who has suffered the loss for any such loss that would generally arise.

Article 63 (1) Where, with respect to compensation for a loss under the preceding Article, the Electricity Utility and the person who has suffered the loss have failed to consult or reach an agreement through consultation, the Electricity Utility or the person who has suffered the loss may apply for an award by the prefectural governor who has jurisdiction over the Land, etc. or the place where the land or the plants causing interference are located.

- (2) The provisions of Article 32, paragraphs 2 to 4 and Article 33 shall apply mutatis mutandis to an award set forth in the preceding paragraph. In this case, the term "Minister of Economy, Trade and Industry" in Article 32, paragraph 2 and paragraph 3 shall be deemed to be replaced with "prefectural governor."

- (3) An award ordering compensation for a loss shall determine the amount of compensation as well as the time and method of payment thereof.

(Obligation of Recovery)

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

(Use of Public Land)

- Article 65 (1) An Electricity Utility or Wholesale Supplier may, when it is necessary to install Electric Lines to be used for an Electricity Business or Wholesale Supply on a road, bridge, ditch, river, embankment or other public land, use them with permission from the administrator thereof to the extent that such use does not impair their usability.
- (2) In the case referred to in the preceding paragraph, the Electricity Utility or Wholesale Supplier 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 Electricity Utility or Wholesale Supplier, 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 an Electricity Utility or Wholesale Supplier 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 Electric Lines to be used for an Electricity Business or Wholesale Supply, and the Competent Minister intends to make an award or decision in response to a request for review of or objection to the determination of the amount of an occupation fee to be collected by the road administrator pursuant to Article 39, paragraph 1 of the Road Act (including 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).

(Application Mutatis Mutandis)

Article 66 The provisions of Article 61, paragraph 3 as well as Article 62 and

Article 63 shall apply mutatis mutandis to a person who installs Electric Facilities for Private Use. In this case, the phrase "significantly damage the Electric Lines, thereby causing serious hindrance to the supply of electricity or cause a fire or other disaster, thereby harming public safety" in Article 61, paragraph 3 shall be deemed to be replaced with "cause a fire or other disaster, thereby harming public safety."

**Chapter V Registered Safety Management Examination Body, Designated
Examining Body, and Registered Investigation Body
Section 1 Registered Safety Management Examination Body**

(Registration)

Article 67 The registration set forth in Article 50-2, paragraph 3, Article 52, paragraph 3, or Article 55, paragraph 4 shall be made, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, for each of the following categories of examinations (hereinafter simply referred to as an "Examination Category") upon application by a person who intends to conduct such examinations (hereinafter collectively referred to as "Safety Management Examinations").

- (i) Examination set forth in Article 50-2, paragraph 3
- (ii) Examination set forth in Article 52, paragraph 3
- (iii) Examination set forth in Article 55, paragraph 4

(Disqualification)

Article 68 A person who falls under any of the following items may not be registered under Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4.

- (i) A person who was sentenced to a fine or severer punishment for violation of this Act or any order issued under this Act, before the elapse of a period of two years since that person served out the sentence or ceased to be subject to the sentence.
- (ii) A person whose registration was rescinded pursuant to Article 78, before the elapse of a period of two years since the date of rescission.
- (iii) A juridical person, any of whose officers in charge of its business falls under any of the preceding two items.

(Standards for Registration)

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

procedures for registration shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(i) Safety Management Examinations shall be conducted by a person who falls under any of the following conditions, at least two persons assigned for each Examination Category.

(a) A person who graduated from a university (excluding junior college) under the School Education Act (Act No. 26 of 1947) or a university under the old University Ordinance (Imperial Ordinance No. 388 of 1918) after completing a course in electric engineering, civil engineering, mechanical engineering or management engineering or any other course similar thereto, and has experience of being engaged for at least two years in total in the services for construction, maintenance or operation of Electric Facilities or the services for Safety Management Examinations.

(b) A person who graduated from a junior college or college of technology under the School Education Act or a vocational training school under the old Vocational Training School Ordinance (Imperial Ordinance No. 61 of 1903) after completing a course in electric engineering, civil engineering, mechanical engineering or management engineering or any other course similar thereto, and who has been engaged for at least four years in total in the services for construction, maintenance or operation of Electric Facilities or the services for Safety Management Examinations.

(c) A person who has been engaged for at least six years in total in the services for construction, maintenance or operation of Electric Facilities or the services for Safety Management Examinations.

(ii) The Applicant for Registration controlled by a person who installs Electric Facilities subject to Safety Management Examinations pursuant to Article 50-2 paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4 (hereinafter referred to as "Person Installing Electric Facilities Subject to Examination" in this item), falls under none of the following conditions.

(a) Where the Applicant for Registration is a business corporation, the Person Installing Electric Facilities Subject to Examination is its parent corporation (as prescribed in Article 879, paragraph 1 of the Companies Act (Act No. 86 of 2005)).

(b) 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) are officers or employees of the Person Installing Electric Facilities Subject to Examination (including those who have been officers or employees of the Person Installing Electric Facilities Subject to Examination in the past two years).

(c) The Applicant for Registration (or, in the case of a juridical person, its

representative officer) is an officer or employee of the Person Installing Electric Facilities Subject to Examination (or has been an officer or employee of the Person Installing Electric Facilities Subject to Examination in the past two years).

- (2) The registration set forth in Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4 shall be made, with the following matters stated in the registry of Safety Management Examination Bodies.
- (i) The date of registration and registration number.
 - (ii) The name and address of the person registered, as well as the name of the representative if such person is a juridical person.
 - (iii) The Examination Category.

(Renewal of Registration)

- Article 70 (1) Unless it is renewed at an interval of not less than three years as set by a Cabinet Order, the registration set forth in Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4 shall cease to be effective upon 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 Safety Management Examination)

- Article 71 (1) A person registered under Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4 (hereinafter referred to as a "Registered Safety Management Examination Body") shall, without delay, conduct a Safety Management Examination when requested except where there are justifiable grounds not to do so.
- (2) A Registered Safety Management Examination Body shall conduct a Safety Management Examination fairly by a method specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (3) A Registered Safety Management Examination Body shall, when conducting a Safety Management Examination, cause a person prescribed in Article 69, paragraph 1, item 1 to take charge of the Safety Management Examination.

(Change to Place of Business)

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

(Operational Rules)

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

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

(Suspension or Abolition of Operation)

Article 74 A Registered Safety Management Examination Body shall, when intending to suspend or abolish the whole or a part of the services for Safety Management Examinations, 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)

Article 75 (1) A Registered Safety Management Examination 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." in the next paragraph and Article 122-2) and keep them in its place of business for five years.

(2) A person who installs Electric Facilities subject to a Pre-use Self-Inspection, Operator's Inspection on Welding or Periodic Operator's Inspection and other interested persons may, at any time during the business hours of the Registered Safety Management Examination Body, make any of the following requests to the body; provided, however, that when making a request set forth in item 2 or item 4, such person or interested persons shall pay the fee determined by the Registered Safety Management Examination 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 76 The Minister of Economy, Trade and Industry may, when he/she finds that a Registered Safety Management Examination Body has ceased to conform to any of the items of paragraph 1 of Article 69, order the Registered Safety Management Examination Body to take any necessary measures to ensure conformity to the provisions of the said items.

(Order for Improvement)

Article 77 The Minister of Economy, Trade and Industry may, when he/she finds that a Registered Safety Management Examination Body is in violation of Article 71, order the Registered Safety Management Examination Body to conduct a Safety Management Examination or take other necessary measures to improve the method for implementing a Safety Management Examination or other operational procedure.

(Rescission of Registration, etc.)

Article 78 Where a Registered Safety Management Examination Body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the registration made under Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4, or order the Registered Safety Management Examination Body to suspend the whole or a part of the services for Safety Management Examinations within a specified period.

- (i) Where the Registered Safety Management Examination Body has violated Article 50-2, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to Article 52, paragraph 5, or Article 55, paragraph 6), Article 71, Article 72, Article 73, paragraph 1, Article 74, Article 75, paragraph 1 or the next Article.
- (ii) Where the Registered Safety Management Examination Body now falls under Article 68, item 1 or item 3.
- (iii) Where the Registered Safety Management Examination Body has refused the request made under the items of paragraph 2 of Article 75 without

justifiable grounds.

- (iv) Where the Registered Safety Management Examination Body has violated an order issued under the preceding two Articles.
- (v) Where the Registered Safety Management Examination Body has been registered under Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4 by wrongful means.

(Bookkeeping)

- Article 79 (1) A Registered Safety Management Examination Body shall keep books and state in such books the matters concerning the services for Safety Management Examinations specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The books set forth in the preceding paragraph shall be preserved pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

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

- Article 80 (1) The Minister of Economy, Trade and Industry may him/herself perform the whole or a part of the services for Safety Management Examinations of a Registered Safety Management Examination Body in the cases where: there is no person registered pursuant to Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4; notification of the suspension or abolition of the whole or a part of the services for Safety Management Examinations has been given pursuant to Article 74; the registration made under Article 50-2, paragraph 3, Article 52, paragraph 3 or Article 55, paragraph 4 has been rescinded or an order has been issued to the Registered Safety Management Examination Body to suspend or abolish the whole or a part of the services for Safety Management Examinations pursuant to Article 78; it has become difficult for the Registered Safety Management Examination Body to perform the whole or a part of the services for Safety Management Examinations due to a disaster or otherwise; or the minister finds it necessary to do so for any other reasons.
- (2) The transfer of the services for Safety Management Examinations 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 Safety Management Examinations him/herself pursuant to the preceding paragraph, shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

Section 2 Designated Examining Body

(Designation)

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

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

(Disqualification)

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

(i) A person who was sentenced to a fine or 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 87, paragraph 2, before the elapse of a period of two years since the date of rescission.

(iii) A person, any of whose officers in charge of its business falls under any of the following conditions.

(a) A person who falls under item 1.

(b) A person who was dismissed by an order under Article 84-5, before the elapse of a period of two years since the date of dismissal.

(Standards for Designation)

Article 83 The Minister of Economy, Trade and Industry shall not make the designation under Article 45, paragraph 2 unless no other person has received designation under the said paragraph and the application for designation filed under the said paragraph conforms to all of 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.

(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.

(Examiner)

Article 84 (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 any of the types of chief engineer's license listed in Article 44, paragraph 1, items 1 to 3 has the necessary knowledge and skills as a chief 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.

(Operational Rules)

Article 84-2 (1) A Designated Examining Body shall formulate rules concerning the Examination Affairs (hereinafter referred to as the "Operational Rules" in this Section), 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 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 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.

(Suspension and Abolition of Examination Affairs)

Article 84-2-2 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 84-3 (1) A Designated Examining Body shall, prior to the beginning of each business year (or without delay after designation under Article 45, paragraph 2 in the case of a business year that contains the date of designation), prepare a business plan and income and expenditure budget for the business year, and obtain approval of them from the Minister of Economy, Trade and Industry. The same 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 84-4 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)

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

(Obligation of Confidentiality)

Article 85 Current or former officers or employees (including examiners) of a Designated Examining Body shall not divulge secrets that they have become aware of in the course of administering the Examination Affairs.

(Status of Officers and Employees)

Article 85-2 With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, officers or employees (including examiners) 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 86 (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 83 (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 87 (1) Where a Designated Examining Body has ceased to conform to Article 83, item 3, the Minister of Economy, Trade and Industry shall rescind

the designation made under Article 45, paragraph 2.

- (2) Where a Designated Examining Body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the designation made under Article 45, paragraph 2, 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 now falls under Article 82, item 1 or item 3.
 - (ii) Where the Designated Examining Body has violated Article 84, Article 84-2, paragraph 1, Article 84-2-2, Article 84-3, or the next Article.
 - (iii) Where the Designated Examining Body has not administered the Examination Affairs in accordance with the Operational Rules approved under Article 84-2, paragraph 1.
 - (iv) Where the Designated Examining Body has violated an order issued under Article 84-2, paragraph 3, Article 84-5, or the preceding Article.
 - (v) Where the Designated Examining Body has received designation under Article 45, paragraph 2 by wrongful means.

(Bookkeeping)

- Article 87-2 (1) A Designated Examining Body shall keep books and state in such books the matters concerning the Examination Affairs specified by an Ordinance of the Ministry of Economy, Trade and Industry.
- (2) The books set forth in the preceding paragraph shall be preserved pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

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

- Article 88 (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 84-2-2; an order has been issued to the Designated Examining Body to suspend the whole or a part of the Examination Affairs pursuant to Article 87, paragraph 2; or the minister finds it necessary to do so because it has become difficult for the Designated Examining Body to administer 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 administers the whole or a part of the Examination Affairs him/herself pursuant to the preceding paragraph, a Designated Examining Body abolishes the whole or a part of the Examination Affairs with permission granted under Article 84-2-2,

or the Minister of Economy, Trade and Industry has rescinded the designation of a Designated Examining Body pursuant to Article 87, shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

Section 3 Registered Investigation Body

(Registration)

Article 89 The registration set forth in Article 57-2, 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 perform Investigation Services as entrusted by an Electricity Supplier.

(Standards for Registration)

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

(i) The Investigation Services are performed by using the following measuring instruments.

- (a) Insulation resistance meter
- (b) Ground resistance meter
- (c) Leakage current ammeter
- (d) AC ammeter
- (e) AC voltmeter.

(ii) The Investigation Services are performed by a person who falls any of the following conditions.

- (a) A person who has obtained any of the types of chief engineer's license listed in Article 44, paragraph 1, items 1 to 3.
- (b) A First-Class Electrician prescribed in Article 3, paragraph 1 of the Electrician Act (Act No. 139 of 1960) or Second-Class Electrician prescribed in paragraph 2 of the said Article.
- (c) A person who graduated from a university, college of technology, high school or secondary education school under the School Education Act, a university under the old University Ordinance, a vocational training school under the old Vocational Training School Ordinance, or an industrial school under the old Secondary School Ordinance (Imperial Ordinance No. 36 of 1943) after completing a course in electric engineering or any other course similar thereto.

(2) The registration set forth in Article 57-2, paragraph 1 shall be made, with the following matters stated in the investigation body registry.

- (i) The date of registration and registration number.
- (ii) The name and address of the person registered, as well as the name of the representative if such person is a juridical person.

Article 91 Deleted

(Obligation to Investigate)

Article 92 (1) A Registered Investigation Body shall, when entrusted with Investigation Services pursuant to Article 57-2, paragraph 1, perform the Investigation Services pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry under Article 57, paragraph 1; provided, however, that this shall not apply where the Registered Investigation Body is unable to obtain consent for the entry into the site where the Electric Facilities for General Use are installed from the owner or possessor of the facilities.

(2) Where a Registered Investigation Body that has been entrusted with Investigation Services pursuant to Article 57-2, paragraph 1 fails to perform the Investigation Services or applies an inappropriate method for investigation, the Minister of Economy, Trade and Industry may order the Registered Investigation Body to perform the Investigation Services or to improve the method for investigation.

(Abolition of Investigation Services)

Article 92-2 A Registered Investigation Body shall, when having abolished the Investigation Services, notify the Minister of Economy, Trade and Industry to that effect without delay.

(Operational Rules)

Article 92-3 (1) A Registered Investigation Body shall formulate rules concerning the Investigation Services (hereinafter referred to as "Operational Rules"), and notify the Minister of Economy, Trade and Industry of the rules before commencing the Investigation Services. The same shall apply where a Registered Investigation Body intends to revise the rules.

(2) Operational Rules shall provide for a method for performing the Investigation Services, a method for calculating the fee for Investigation Services, and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Rescission of Registration)

Article 92-4 Where a Registered Investigation Body falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the

registration made under Article 57-2, paragraph 1.

- (i) Where the Registered Investigation Body now falls under Article 68, item 1 or item 3 as applied mutatis mutandis pursuant to the next Article.
- (ii) Where the Registered Investigation Body has refused the request made under the items of paragraph 2 of Article 75 as applied mutatis mutandis pursuant to the next Article, without justifiable grounds.
- (iii) Where the Registered Investigation Body has violated Article 92, paragraph 1, Article 92-2, or paragraph 1 of the preceding Article, or violated Article 75, paragraph 1 or Article 79 which are applied mutatis mutandis pursuant to or the next Article.
- (iv) Where the Registered Investigation Body has violated an order issued under Article 92, paragraph 2, or violated Article 76 as applied mutatis mutandis pursuant to the next Article.
- (v) Where the Registered Investigation Body has been registered under Article 57-2, paragraph 1 by wrongful means.

(Application Mutatis Mutandis)

Article 92-5 The provisions of Articles 68, 70, 75, 76, and 79 shall apply mutatis mutandis to a Registered Investigation Body. In this case, the term "Article 78" in Article 68, item 2 shall be deemed to be replaced with "Article 92-4," the phrase "a person who installs Electric Facilities subject to a Pre-use Self-Inspection, Operator's Inspection on Welding or Periodic Operator's Inspection" in Article 75, paragraph 2 shall be deemed to be replaced with "the owner or possessor of the Electric Facilities for General Use subject to the Investigation Services performed by the Registered Investigation Body," and the phrase "items of paragraph 1 of Article 69" in Article 76 shall be deemed to be replaced with "items of paragraph 1 of Article 90."

Chapter VI Organization to Support Electricity Transmission and Distribution

(Organization to Support Electricity Transmission and Distribution, etc.)

Article 93 (1) The Minister of Economy, Trade and Industry may designate, upon application, a juridical person established for the purpose of supporting the smooth performance of Services for Electricity Transmission and Distribution, etc. (which means the Wheeling Service and other services for transformation, transmission and distribution of electricity provided by a General Electricity Utility or Wholesale Electricity Utility; hereinafter the same shall apply in this Chapter), which is found to conform to the following standards with respect to the services prescribed in the next Article (hereinafter referred to as the "Support Services"), as the only organization to support electricity

transmission and distribution, etc. in Japan (hereinafter referred to as the "Support Organization").

- (i) The applicant's plan for the performance of the Support Services, which covers the personnel, method of performing the Support Services and other matters, is appropriate for the proper performance of the Support Services.
- (ii) The applicant has sufficient financial and technical bases to implement properly the plan for the performance of the Support Services set forth in the preceding item.
- (iii) There is no risk that the composition of the applicant's officers or employees will hinder the fair performance of the Support Services.
- (iv) Where the applicant is engaged in services other than the Support Services, there is no risk that the applicant will fail to perform fairly the Support Services by performing such other services.
- (v) The applicant is not a person whose registration has been rescinded pursuant to Article 99-4, before the elapse of a period of two years since the date of rescission.
- (vi) None of the applicant's officers falls under any of the following conditions.
 - (a) A person who was sentenced to imprisonment without work or severer punishment, before the elapse of a period of two years since the person served out the sentence or ceased to be subject to the sentence.
 - (b) 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 the person served out the sentence or ceased to be subject to the sentence.
- (2) The Support Organization shall, when intending to change the name or address or the location of the place of business where the Support Services are to be performed, notify the Minister of Economy, Trade and Industry of the change two weeks prior to the day when the change is scheduled.

(Services)

Article 94 The Support Organization shall perform the following services.

- (i) Establish basic guidelines for the performance of the Services for Electricity Transmission and Distribution, etc.
- (ii) Give guidance or make recommendations to Electricity Utilities or perform other services necessary for ensuring the smooth performance of the Services for Electricity Transmission and Distribution, etc.
- (iii) Handle complaints from Electricity Utilities about the Services for Electricity Transmission and Distribution, etc.
- (iv) Provide relevant information and liaise and coordinate with respect to the Services for Electricity Transmission and Distribution, etc.
- (v) In addition to what is listed in the preceding items, perform services

necessary for supporting the smooth performance of the Services for Electricity Transmission and Distribution, etc., which are specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Operational Rules for Support Services)

Article 95 (1) The Support Organization shall formulate rules concerning the Support Services (hereinafter referred to as the "Operational Rules for Support Services" in this Chapter), and obtain approval of the rules from the Minister of Economy, Trade and Industry. The same shall apply where the Support Organization intends to revise the rules.

(2) The matters to be provided for by the Operational Rules for Support Services 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 Support Services approved under paragraph 1 have become inappropriate for fair and proper performance of the Support Services, order the Support Organization to revise the Operational Rules for Support Services.

(Business Plan, etc.)

Article 96 (1) The Support Organization shall prepare a business plan and income and expenditure budget for the Support Services for each business year, and submit them to the Minister of Economy, Trade and Industry prior to the beginning of the business year (or without delay after designation in the case of a business year that contains the date of designation). The same shall apply when the Support Organization intends to revise them.

(2) The Support Organization Body shall prepare a business report and statement of accounts for each business year, and submit them to the Minister of Economy, Trade and Industry within three months after the end of the business year.

(Separate Accounting)

Article 97 The Support Organization shall, pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry, keep accounts for the Support Services separately from accounts for other services.

(Suspension and Abolition of Support Services, etc.)

Article 98 (1) The Support Organization shall not suspend nor abolish the whole or a part of the Support Services unless it is permitted by the Minister of Economy, Trade and Industry.

(2) Where the Minister of Economy, Trade and Industry has permitted abolition

of the whole of the Support Services pursuant to the preceding paragraph, the designation pertaining to the permission shall cease to be effective.

(Obligation of Confidentiality)

Article 99 Current or former officers or employees of the Support Organization shall not divulge secrets that they have become aware of in the course of performing the Support Services or use such secrets for their own interest.

(Bookkeeping)

Article 99-2 (1) The Support Organization shall keep books and state in such books the matters concerning the Support Services specified by an Ordinance of the Ministry of Economy, Trade and Industry.

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

(Order of Supervision)

Article 99-3 The Minister of Economy, Trade and Industry shall, when he/she finds it necessary in order to ensure the fair and proper performance of the Support Services, issue to the Support Organization an order necessary for the supervision of the Support Services.

(Rescission of Designation, etc.)

Article 99-4 Where the Support Organization falls under any of the following items, the Minister of Economy, Trade and Industry may rescind the designation or order the Support Organization to suspend the whole or a part of the Support Services within a specified period.

(i) Where the Support Organization is found not to conform to the standards listed in Article 93, paragraph 1, items 1 to 4.

(ii) Where the Support Organization now falls under Article 93, paragraph 1, item 6.

(iii) Where the Support Organization has violated Article 93, paragraph 2, Article 95, paragraph 1, Article 96, Article 97, Article 98, paragraph 1 or Article 99-2.

(iv) Where the Support Organization has not performed the Support Services in accordance with the Operational Rules for Support Services approved under Article 95 paragraph 1.

(v) Where the Support Organization has violated an order issued under Article 95, paragraph 3 or the preceding Article.

(vi) Where the Support Organization has received designation under Article 93, paragraph 1 by wrongful means.

Chapter VII Miscellaneous Provisions

(Conditions Attached to License, etc.)

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

(2) The conditions set forth in the preceding paragraph 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.

(Hydraulic Power for Electricity Generation)

Article 101 The Minister of Economy, Trade and Industry shall conduct the necessary investigation for the development of hydraulic power for electricity generation.

Article 102 The Minister of Economy, Trade and Industry may, when he/she finds it necessary for the development of hydraulic power for electricity generation, order a person who installs Electric Facilities for electricity generation by means of hydraulic power to measure the discharge of the river where the Electric Facilities are installed and report on the results of the measurement pursuant to the provision of an Ordinance of the Ministry of Economy, Trade and Industry.

Article 103 (1) Where an application has been filed for license or permission under Article 23, Article 24, Article 26, paragraph 1, or Article 29, paragraph 2 of the River Act (Act No. 167 of 1964) for the purpose of using hydraulic power for electricity generation, a prefectural governor or the head of a designated city under Article 252-19, paragraph 1 of the Local Autonomy Act (Act No. 67 of 1947) (such city shall hereinafter be referred to as a "Designated City") shall report to the Minister of Economy, Trade and Industry to that effect, with his/her opinion attached thereto, and request the opinions of the Minister of Economy, Trade and Industry.

(2) The Minister of Economy, Trade and Industry shall, when requested for his/her opinions pursuant to the preceding paragraph, consult with the Minister of Land, Infrastructure, Transport and Tourism.

(3) Where an application has been filed to a prefectural governor or the head of a Designated City for license or permission under Article 23, Article 24, Article 26, paragraph 1 or Article 29, paragraph 2 of the River Act (excluding the case prescribed in paragraph 1), the Minister of Economy, Trade and Industry may, when he/she finds it necessary in order to ensure the effective utilization of

hydraulic power for electricity generation, make the necessary recommendations to the prefectural governor or the head of the Designated City regarding the dispositions under these provisions.

(Electric Facility Inspector)

Article 104 (1) The Ministry of Economy, Trade and Industry shall have electric facility inspectors.

(2) Electric facility inspectors shall be engaged in the affairs concerning the inspection set forth in Article 49, paragraph 1, Article 51, paragraph 1 or paragraph 3, or Article 54, paragraph 1, or the examination set forth in Article 50-2, paragraph 3, or Article 54, paragraph 4.

(3) The necessary matters concerning the qualification of an electric facility inspector shall be specified by a Cabinet Order.

(Operational Rules)

Article 104-2 (1) The JNES shall, before commencing the administration of the Affairs Concerning Inspection, etc. (which means part of the affairs concerning the inspection prescribed in Article 49, paragraph 3, Article 51, paragraph 5, and Article 54, paragraph 2, and the examination prescribed in Article 52, paragraph 3 and Article 55, paragraph 4; hereinafter the same shall apply), formulate rules for the administration of the Affairs Concerning Inspection, etc. (hereinafter referred to as the "Operational Rules"), and notify the Minister of Economy, Trade and Industry of the rules. The same shall apply where the JNES intends to revise the rules.

(2) The Minister of Economy, Trade and Industry may, when he/she finds that the Operational Rules for which notification was given pursuant to the preceding paragraph are inappropriate for the appropriate and successful administration of the Affairs Concerning Inspection, etc., order the JNES to revise the Operational Rules.

(3) The matters to be provided for by the Operational Rules shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Person in Charge of Affairs Concerning Inspection, etc.)

Article 104-3 The JNES shall, when administering the Affairs Concerning Inspection, etc., cause a person with the qualification specified by an Ordinance of the Ministry of Economy, Trade and Industry to take charge of the administration.

(Audit)

Article 105 The Minister of Economy, Trade and Industry shall audit the services and accounting of the General Electricity Utilities and Wholesale

Electricity Utilities every year.

(Collection of Reports)

Article 106 (1) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Articles 49 to 52, Article 54, and Article 55, pursuant to the provision of a Cabinet Order, cause a person who installs Electric Facilities for electricity generation by means of nuclear power (hereinafter referred to as "Facilities for Nuclear Power Generation") to submit reports or materials on the status of the services for assuring the safety of the Facilities for Nuclear Power Generation.

(2) In addition to the cases referred to in the preceding paragraph, where the Minister of Economy, Trade and Industry has caused the person who installs Facilities for Nuclear Power Generation to submit reports or materials, and finds it particularly necessary in order to ensure the safety of the Facilities for Nuclear Power Generation, he/she may, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Articles 49 to 52, Article 54, and Article 55, cause the business operator who has conducted maintenance and inspection of the Facilities for Nuclear Power Generation to submit reports or materials on necessary matters.

(3) In addition to the cases referred to in paragraph 1, the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, pursuant to the provision of a Cabinet Order, cause an Electricity Utility to submit reports or materials on the status of the services or accounting.

(4) In addition to the cases referred to in paragraph 1, the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, pursuant to the provision of a Cabinet Order, cause a person who installs Electric Facilities for Private Use or a Registered Investigation Body to submit reports or materials on the status of the services.

(5) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause the JNES to submit reports or materials on the status of the services.

(6) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause a Registered Safety Management Examination Body to submit reports or materials on the status of the services or accounting.

(7) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause a Designated Examining Body or the Support Organization to submit reports or materials on the status of the services or accounting.

(On-site Inspection)

- Article 107 (1) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of Article 39, Article 40, Article 47, Articles 49 to 52, Article 54, and Article 55, cause officials of the Ministry of Economy, Trade and Industry to enter the factory, business office or other office or other workplace of a person who installs Facilities for Nuclear Power Generation, a person who processes a Fuel Assembly, or a person who welds Boilers, etc. or Vessels, etc. (limited, however, to those relating to Facilities for Nuclear Power Generation), and inspect the Facilities for Nuclear Power Generation, books, documents, and any other articles of such person.
- (2) In addition to the on-site inspection prescribed in the preceding paragraph, the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause officials of the Ministry of Economy, Trade and Industry to enter the business office or other office or other workplace of an Electricity Utility, and inspect the status of the services or accounting or the Electric Facilities, books, documents, and any other articles of the Electricity Utility.
- (3) In addition to the on-site inspection prescribed in paragraph 1, the Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause officials of the Ministry of Economy, Trade and Industry to enter the factory, business office or other office or other workplace of a person who installs Electric Facilities for Private Use or a person who welds Boilers, etc. or Vessels, etc., and inspect the Electric Facilities, books, documents, and any other articles of such person.
- (4) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause officials of the Ministry of Economy, Trade and Industry to enter the site where Electric Facilities for General Use (excluding, however, those used for residential purposes) are installed, and inspect the Electric Facilities for General Use.
- (5) The Minister of Economy, Trade and Industry may, to the extent necessary for the enforcement of this Act, cause officials of the Ministry of Economy, Trade and Industry to enter the business office or place of business of a Registered Safety Management Examination Body or Registered Investigation Body, and inspect the status of the services or books, documents, and any other articles of such body.
- (6) 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 place of business of the JNES, and inspect the status of the services or books, documents, and any other articles of the JNES.
- (7) 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 office of a Designated Examining Body or the Support Organization, and inspect the status of the services or books, documents, and any other articles of such body or organization.

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

(Order to JNES)

Article 107-2 The Minister of Economy, Trade and Industry may, when he/she finds it necessary in order to ensure the appropriate performance of Affairs Concerning Inspection, etc. as well as the services for an on-site inspection prescribed in paragraph 9 of the preceding Article, issue the necessary order to the JNES with respect to these affairs and services.

(Report to Nuclear Safety Commission)

- Article 107-3 (1) The Minister of Economy, Trade and Industry shall, on a quarterly basis, report to the Nuclear Safety Commission on the status of the implementation in the previous quarter of a grant of approval, inspection, and examination with respect to Facilities for Nuclear Power Generation under Article 47, paragraph 1 and paragraph 2, Article 49, paragraph 1, Article 50-2, paragraph 3, Article 51, paragraph 1 and paragraph 3, Article 52, paragraph 3, Article 54, paragraph 1, and Article 55, paragraph 4, and when he/she finds it necessary, take any necessary measures to ensure the safety of the Facilities for Nuclear Power Generation after hearing the opinions of the Commission.
- (2) In addition to the report under the preceding paragraph, the Minister of Economy, Trade and Industry shall, pursuant to the provision of an Ordinance

of the Ministry of Economy, Trade and Industry, report to the Nuclear Safety Commission on the status of the enforcement of this Act with respect to the assurance of the safety of the Facilities for Nuclear Power Generation.

(Cooperation for Investigation by Nuclear Safety Commission)

Article 107-4 A person who installs Facilities for Nuclear Power Generation or a person who conducts maintenance and inspection of Facilities for Nuclear Power Generation shall cooperate in any investigation to be conducted by the Nuclear Safety Commission regarding the matters which are to be reported pursuant to paragraph 1 or paragraph 2 of the preceding Article.

(Public Hearing)

Article 108 The Minister of Economy, Trade and Industry shall, when he/she intends to make a disposition pursuant to Article 3, paragraph 1 (limited, however, to those relating to General Electricity Businesses), Article 8, paragraph 1 (limited, however, to those relating to the expansion of the service area), Article 19, paragraph 1 or Article 23, paragraph 3 (limited, however, to those relating to general supply provisions), hold a public hearing to hear opinions of the public.

(Special Provisions for Hearing)

Article 109 (1) The Minister of Economy, Trade and Industry shall, when he/she intends to reduce the number of service points pursuant to Article 15, paragraph 4 or Article 16, paragraph 3, or reduce the service area pursuant to Article 16, paragraph 2, hold a hearing irrespective of the categories of procedures for hearing statements of opinions prescribed in Article 13, paragraph 1 of the Administrative Procedure Act (Act No. 88 of 1993).
(2) Proceedings on the date of a hearing with respect to a disposition under Article 15, paragraphs 1 to 4, Article 16, paragraphs 1 to 3, Article 78, Article 84-5, Article 87, or Article 92-4 shall be open to the public.

(Appeal against Disposition by Designated Examining Body)

Article 109-2 Any person who is dissatisfied with a disposition made by a Designated Examining Body on the Examination Affairs (excluding, however, those on the examination results) or the body's inaction may make a request for review to the Minister of Economy, Trade and Industry pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

(Hearing of Opinions in Appeal Procedure)

Article 110 (1) An award or decision on a request for review or an objection with respect to a disposition made pursuant to this Act or an order issued under this

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

- (2) The Minister of Economy, Trade and Industry 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.

(Fee)

Article 112 (1) Any of the following persons shall pay the fee determined by an Ordinance of the Ministry of Economy, Trade and Industry in light of the actual cost.

- (i) A person who intends to obtain a chief engineer's license pursuant to Article 44, paragraph 2, item 1 or by reason of having passed an examination for a chief electricity engineer's license the Examination Affairs of which are administered by a Designated Examining Body.
 - (ii) A person who intends to take an examination for a chief electricity engineer's license.
 - (iii) A person who applies for the re-issuance of a chief engineer's license.
 - (iv) A person who intends to undergo inspection under Article 49, paragraph 1 or Article 51, paragraph 1 or paragraph 3.
 - (v) A person who undergoes inspection under Article 54, paragraph 1.
 - (vi) A person who intends to undergo examination under Article 50-2, paragraph 3, Article 52, paragraph 3, or Article 55, paragraph 4 (excluding, however, the case where it is conducted by a Registered Safety Management Examination Body).
 - (vii) A person who intends to undergo a Safety Management Examination conducted by the Minister of Economy, Trade and Industry pursuant to Article 80, paragraph 1.
- (2) 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 engineer's license for which the Designated Examining Body administers Licensing Affairs as entrusted under Article 44-2, paragraph 1, or the person who intends to take an examination for a chief electricity engineer's license for which the Designated Examining Body administers Examination Affairs, as income of the JNES where it is paid by the person who intends to undergo an examination to be conducted by the JNES under Article 52, paragraph 3 or Article 55, paragraph 4, or as national revenue where it is paid by other persons.

(Public Notice)

Article 112-2 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 45, paragraph 2 or Article 93, paragraph 1.
- (ii) Where the Minister has made a registration under Article 50-2, paragraph 3, Article 52, paragraph 3, Article 55, paragraph 4, or Article 57-2, paragraph 1.
- (iii) Where the Minister has received a notification under Article 57-2, paragraph 2, Article 72, Article 74, Article 92-2, or Article 93, paragraph 2.
- (iv) Where the Minister has rescinded a registration or ordered the suspension of the whole or a part of the services for Safety Management Examinations pursuant to Article 78.
- (v) Where the Minister administers the whole or a part of the services for Safety Management Examinations him/herself pursuant to Article 80, paragraph 1, or ceases to administer the whole or a part of the services for Safety Management Examinations that he/she has administered him/herself.
- (vi) Where the Minister has granted permission under Article 84-2-2 or Article 98, paragraph 1.
- (vii) Where the Minister has rescinded a designation pursuant to Article 87 or ordered the suspension of the whole or a part of the Examination Affairs pursuant to paragraph 2 of the said Article.
- (viii) Where the Minister administers the whole or a part of the Examination Affairs him/herself pursuant to Article 88, or ceases to administer the whole or a part of the Examination Affairs that he/she has administered him/herself.
- (ix) Where the Minister has rescinded a registration pursuant to Article 92-4.
- (x) Where the Minister has rescinded a designation or ordered the suspension of the whole or a part of the Support Services pursuant to Article 99-4.

(Transitional Measures)

Article 113 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.

(Delegation of Authority)

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

Chapter VIII Penal Provisions

Article 115 (1) A person who has damaged Electric Facilities to be used for an Electricity Business or caused interference with the functioning of Electric Facilities to be used for an Electricity Business, thereby obstructing the generation, transformation, transmission or distribution of electricity, 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, without due cause, operated Electric Facilities to be used for an Electricity Business, thereby obstructing the generation, transformation, transmission or distribution of electricity, 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 an Electricity Business has not performed, without justifiable grounds, the services to maintain or operate Electric Facilities to be used for an Electricity Business, thereby causing interference with the generation, transformation, transmission or distribution of electricity.

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

Article 116 A person who falls under any of the following items 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.

(i) A person who has, in violation of Article 3, paragraph 1, conducted an Electricity Business.

(ii) A person who has violated an order issued or a disposition made under Article 40 (limited, however, to the cases relating to Facilities for Nuclear Power Generation).

(iii) A person who has, in violation of Article 47, paragraph 1 (limited, however, to the cases relating to Facilities for Nuclear Power Generation),

implemented a construction project to install or modify Electric Facilities.

Article 117 A person who falls under any of the following items 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, in violation of Article 14, paragraph 1, suspended or abolished the whole or a part of the Electricity Business.
- (ii) A person who has, in violation of Article 18, paragraph 1, paragraph 3 or paragraph 4, refused to supply electricity.
- (iii) A person who has, in violation of Article 18, paragraphs 5 to 7, supplied electricity.

Article 117-2 A person who falls under any of the following items 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, in violation of Article 49, paragraph 1 (limited, however, to the cases relating to Facilities for Nuclear Power Generation) or Article 51, paragraph 1 or paragraph 3, used Electric Facilities.
- (ii) A person who has, in violation of Article 50-2, paragraph 1, Article 52, paragraph 1, Article 55, paragraph 1 (limited, however, to the cases relating to Facilities for Nuclear Power Generation) or Article 55, paragraph 3, failed to make records or made false records, failed to preserve records, or failed to make reports or made false reports.
- (iii) A person who has refused, obstructed or avoided⁵ the examination or inspection under Article 50-2, paragraph 3, Article 52, paragraph 3, Article 54, paragraph 1, Article 55, paragraph 4 (limited, however, to the cases relating to Facilities for Nuclear Power Generation) or Article 107, paragraph 1.
- (iv) A person who has violated an order of suspension of the services for Safety Management Examinations issued under Article 78.
- (v) A person who has failed to submit reports or materials under Article 106, paragraph 1, or submitted false reports or materials.

Article 117-3 In the event of violation of an order of suspension of Examination Affairs or Support Services issued under Article 87, paragraph 2 or Article 99-4, the officers or employees concerned at the Designated Examining Body or the Support Organization 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 117-4 A person who has violated Article 44-2, paragraph 2, Article 85, or

Article 99 shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.

Article 118 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, Article 16-3, paragraph 5 (including the cases where it is applied mutatis mutandis pursuant to paragraph 8 of the said Article), Article 19, paragraph 5 or paragraph 8, Article 19-2, paragraph 2, Article 22, paragraph 4, Article 24, paragraph 2, Article 24-3, paragraph 3 or paragraph 5, Article 24-4, paragraph 4 or paragraph 5, Article 24-6, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 24-7), Article 26, paragraph 2, Article 29, paragraph 4, Article 30, Article 31, paragraph 1, Article 57, paragraph 3, or Article 92, paragraph 2.
- (ii) A person who has, in violation of Article 18, paragraph 2, refused to supply electricity.
- (iii) A person who has, in violation of Article 21, paragraph 1, Article 22, paragraph 1 or paragraph 2, Article 24, paragraph 4, Article 24-3, paragraph 2, Article 24-4, paragraph 3, or Article 25, paragraph 1, supplied electricity.
- (iv) A person who has, in violation of Article 22, paragraph 6, implemented a bidding process.
- (v) A person who has, in violation of Article 24-2, paragraph 1, concluded or revised a Supplementary Supply Agreement.
- (vi) A person who has, in violation of an order issued under Article 24-2, paragraph 3, refused, obstructed or avoided the conclusion of a Supplementary Supply Agreement.
- (vii) A person who has violated an order issued or a disposition made under Article 40 (excluding, however, the cases relating to Facilities for Nuclear Power Generation).
- (viii) A person who has, in violation of Article 43, paragraph 1, failed to appoint a chief engineer.
- (ix) A person who has, in violation of Article 47, paragraph 1 (excluding, however, the cases relating to Facilities for Nuclear Power Generation), implemented a construction project to install or modify Electric Facilities.

Article 119 A person who falls under any of the following items 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 or Article 16-3, paragraph 1 or paragraph 7, or given a false notification.
- (ii) A person who has violated Article 9, paragraph 3, or Article 16-3, paragraph 3 (including the cases where it is applied mutatis mutandis

- pursuant to paragraph 8 of the said Article).
- (iii) A person who has, without giving a notification under Article 16-2, paragraph 1 or having given a false notification, conducted a Specified-Scale Electricity Business.
 - (iv) A person who has, in violation of Article 16-3, paragraph 2 (including 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.
 - (v) A person who has, in violation of Article 17, paragraph 1, conducted an electricity supply business.
 - (vi) A person who has, in violation of Article 21, paragraph 2, supplied electricity.
 - (vii) A person who has violated an order issued or a disposition made under Article 27.
 - (viii) A person who has, in violation of an order issued under Article 48, paragraph 4, implemented a construction project to install or modify Electric Facilities.
 - (ix) A person who has, in violation of Article 49, paragraph 1 (excluding, however, the cases relating to Facilities for Nuclear Power Generation), used Electric Facilities.

Article 119-2 In any of the following cases, the officers or employees concerned at the Designated Examining Body or the Support Organization that has committed the violation shall be punished by a fine of not more than 300,000 yen.

- (i) Where the Designated Examining Body or the Support Organization has abolished the whole of the Examination Affairs or Support Services without obtaining permission under Article 84-2-2 or Article 98, paragraph 1.
- (ii) Where the Designated Examining Body or the Support Organization has, in violation of Article 87-2, paragraph 1 or Article 99-2, paragraph 1, failed to state the matters prescribed in Article 87-2, paragraph 1 or Article 99-2, paragraph 1, or made false statements.
- (iii) Where the Designated Examining Body or the Support Organization has, in violation of Article 87-2, paragraph 2 or Article 99-2, paragraph 2, failed to preserve the books.
- (iv) Where the Designated Examining Body or the Support Organization has failed to submit reports or materials under Article 106, paragraph 7, or submitted false reports or materials.
- (v) Where the Designated Examining Body or the Support Organization has refused, obstructed or avoided the inspection under Article 107, paragraph 7.

Article 120 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 notification under Article 7, paragraph 4 (including the cases where it is applied mutatis mutandis pursuant to Article 8, paragraph 3), Article 11, paragraph 2, Article 16-2, paragraph 2 or paragraph 3, Article 16-4, paragraph 2, Article 19-2, paragraph 1, Article 22, paragraph 7, Article 24-3, paragraph 1, Article 24-4, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to paragraph 2 of the said Article), Article 29, paragraph 1 or paragraph 2, Article 42, paragraph 1 or paragraph 2, Article 43, paragraph 3, Article 47, paragraph 4 or paragraph 5, Article 57-2, paragraph 2, or Article 74, or given a false notification.
- (ii) A person who has violated Article 20.
- (iii) A person who has, in violation of Article 24, paragraph 3, failed to take measures for publicity.
- (iv) A person who has, in violation of Article 24-3, paragraph 4, failed to publicize necessary matters.
- (v) A person who has, in violation of Article 26, paragraph 3, Article 50-2, paragraph 1, Article 52, paragraph 1, or Article 55, paragraph 1 (excluding, however, the cases relating to Facilities for Nuclear Power Generation), failed to make records or made false records, or failed to preserve records.
- (vi) A person who has violated an order issued under Article 42, paragraph 3.
- (vii) A person who has, in violation of Article 48, paragraph 1 or paragraph 2, implemented a construction project to install or modify Electric Facilities.
- (viii) A person who has refused, obstructed or avoided an examination or inspection under Article 50-2, paragraph 3, Article 52, paragraph 3, Article 54, paragraph 1, or Article 55, paragraph 4 (limited, however, to the cases relating to Facilities for Nuclear Power Generation) or Article 107, paragraphs 2 to 5.
- (ix) A person who has violated an order issued or a disposition made under Article 56, paragraph 1.
- (x) A person who has, in violation of Article 57, paragraph 4, or Article 79, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 92-5), failed to state the matters prescribed in Article 57, paragraph 4, or Article 79, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 92-5), or made false statements.
- (xi) A person who has, in violation of Article 57, paragraph 5, or Article 79, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 92-5), failed to preserve the books.
- (xii) A person who has failed to submit reports or materials under Article 102

or Article 106, paragraphs 2 to 4 or paragraph 6, or submitted false reports or materials.

Article 120-2 In any of the following cases, the officers or employees concerned at the JNES shall be punished by a fine of not more than 200,000 yen.

- (i) Where the JNES has failed to make reports under Article 106, paragraph 5, or made false reports.
- (ii) Where the JNES has refused, obstructed or avoided an inspection under Article 107, paragraph 6.

Article 121 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 116, item 2 or item 3: Fine of not more than 300 million yen.
- (ii) Article 117-2 (excluding the part concerning item 4): Fine of not more than 100 million yen.
- (iii) Article 116, item 1, Article 117, Article 117-2 (limited, however, to the part concerning item 4), Article 118, Article 119, or Article 120: Fines prescribed in the respective Articles.

Article 122 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 an order issued under Article 9, paragraph 5 as applied mutatis mutandis pursuant to Article 13, paragraph 2, or under Article 35, or Article 46-17, paragraph 1.
- (ii) A person who has violated Article 24-5, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 24-7), Article 34, paragraph 1, Article 34-2, paragraph 1, or Article 36, paragraph 1 or paragraph 2.
- (iii) A person who has, in violation of Article 24-5, paragraph 2 (including the cases where it is applied mutatis mutandis pursuant to Article 24-7), failed to publicize necessary matters or publicized false matters.
- (iv) A person who has failed to submit documents under Article 34, paragraph 2 or Article 34-2, paragraph 2, or submitted false documents.

Article 122-2 A person who has, in violation of Article 75, paragraph 1 (including the cases where it is applied mutatis mutandis pursuant to Article 92-5), 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 75 (including the cases where it is applied mutatis mutandis pursuant to Article 92-5) without justifiable grounds, shall be punished by a civil fine of not more than 200,000 yen.

Article 122-3 In any of the following cases, the officers concerned at the JNES that has committed the violation shall be punished by a civil fine of not more than 200,000 yen.

- (i) Where the JNES has failed to give a notification under Article 104-2, paragraph 1, or given a false notification.
- (ii) Where the JNES has violated an order issued under Article 104-2, paragraph 2, or Article 107-2.

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

- (i) A person who has failed to give a notification under Article 9, paragraph 2, Article 13, paragraph 1, Article 17, paragraph 4 or paragraph 5, Article 53, Article 55-2, paragraph 2, or Article 92-2, or given a false notification.
- (i)-2 A person who has, in violation of Article 9, paragraph 3 as applied mutatis mutandis pursuant to Article 13, paragraph 2, assigned facilities or made them subject to any rights other than ownership.
- (ii) A person who has, in violation of an order issued under Article 44, paragraph 4, failed to return a chief engineer's license without justifiable grounds.

Supplementary Provisions [Extract]

- (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; provided, however, that the provisions listed in Articles 86 to 93 and the part of the provision in paragraph 26 of the Supplementary Provisions to revise Article 25, paragraph 1 of the Act for Establishment of the Ministry of International Trade and Industry (Act No. 275 of 1952) by adding the paragraph on the Council for Electricity Industry following the paragraph on the Liaison Council for Coal Measures, shall come into force as from the date of promulgation.
- (2) The Act on Temporary Measures Concerning Electricity (Act No. 341 of 1952; hereinafter referred to as the "Old Act") shall be abolished.
- (3) 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 Old Act shall, if this Act contains provisions corresponding

to such provisions, be deemed to have been conducted under the relevant provisions of this Act.

- (7) A person who has obtained, prior to the enforcement of this Act, a first-class, second-class or third-class license granted pursuant to the provisions of the old Ordinance for Examination for Chief Electricity Engineer's License (Ordinance of the Ministry of Communication No. 54 of 1932) under Article 1, paragraph 1 of the old Ordinance for Enforcement of the Act on Temporary Measures Concerning Electricity (Ordinance of the Ministry of International Trade and Industry No. 99 of 1952; hereinafter referred to as the "Old Ordinance") shall be deemed to have obtained a First-Class Chief Electricity Engineer's License, Second-Class Chief Electricity Engineer's License or Third-Class Chief Electricity Engineer's License under Article 54, paragraph 1.
- (8) A person who has been appointed, prior to the enforcement of this Act, as chief engine/boiler engineer pursuant to the provision of Article 20 of the old Ordinance for Control of Engines and Boilers for Electricity Generation (Ordinance of the Ministry of Communication No. 5 of 1940) under Article 1, paragraph 1 of the Old Ordinance, serving as a chief engine/boiler engineer at a power plant where atmospheric pressure is not less than 60 kg per square meter or a chief engine/boiler engineer at a power plant where atmospheric pressure is not less than 15 kg per square meter and not more than 60 kg per square meter, shall be deemed to have obtained a First-Class Chief Boiler/Turbine Engineer's License or Second-Class Chief Boiler/Turbine Engineer's License under Article 54, paragraph 1.
- (9) With respect to Electric Facilities for which the State has commenced, prior to the enforcement of this Act, a construction project for installation or modification (excluding, however, such construction projects implemented in the case referred to in the proviso of paragraph 1 of Article 70 or the cases specified by an Ordinance of the Ministry of International Trade and Industry under the first sentence of paragraph 1 of Article 71 and those relating to nuclear reactors for electricity generation), it shall be deemed, if they have been reported or approved pursuant to the provisions of Article 51 or Article 52 of the old Ordinance for Electric Facilities for Private Use (Ordinance of the Ministry of Communication No. 56 of 1932) under Article 1, paragraph 1 of the Old Ordinance, that approval has been granted under Article 70, paragraph 1 or notification has been given under Article 71, paragraph 1 regarding the plan of the construction project.
- (12) With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

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

[Extract]

- (1) This Act shall come into force as from the date of enforcement of the Registration and License Tax Act.

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. 66 of July 25, 1973] [Extract]

(Effective Date)

- (1) This Act shall come into force as 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. 55 of May 23, 1978] [Extract]

(Effective Date, etc.)

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

**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. 78 of December 2, 1983]

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

**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 (iii) Omitted
 - (iv) The provision in Article 36 to revise Article 54 of the Electricity Business Act, the provisions of Article 38 (excluding, however, the provision to revise Article 8 of the Electrician Act), and the provisions of Article 8, paragraph 3 and Article 22 of the Supplementary Provisions: December 1, 1984.

(v) The provisions of Article 25, Article 26, Articles 28 to 30, Article 33, and Article 35, the provisions of Article 36 (excluding, however, the 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 Electricity Business Act)

- Article 8 (1) With regard to the designation of a period for the installation of Electric Facilities and the commencement of business with a license under Article 3, paragraph 1 of the Electricity Business Act or for the change with permission under Article 8, paragraph 1 of the said Act of the service area or the recipient of electricity supply and the service point or the matters concerning Electric Facilities, if an application for the license or permission has been filed prior to the enforcement of Article 36, the provisions then in force shall remain applicable.
- (2) With regard to a notification under Article 42, paragraph 1 or Article 71, paragraph 1 of the Electricity Business Act prior to the revision by Article 36, which has been made prior to the enforcement of Article 36, a notification of the revision of the construction plan to which such notification pertained, and an order to revise or abolish the construction plan to which these notifications pertained, the provisions then in force shall remain applicable.
- (3) With regard to the grant of a recognition and a chief engineer's license to a person who has applied for recognition, prior to November 30, 1984, pursuant to Article 54, paragraph 4, item 2 of the Electricity Business Act prior to the revision by of Article 36, and the grant of a chief engineer's license to a person who has obtained a recognition pursuant to the said item or passed a national examination for a chief electricity engineer's license prior to the said date, the provisions then in force shall remain applicable. In this case, the person who intends to obtain a recognition or a chief engineer's license shall pay the fee determined by a Cabinet Order in light of the actual cost.
- (4) With regard to the application of the provision of Article 112, paragraph 1 of the Electricity Business Act revised by Article 36 for the period from the date of enforcement of Article 36 until November 30, 1984, the phrase "person who intends to obtain a chief engineer's license pursuant to Article 54, paragraph 3, item 1 or item 2, or by reason of having passed an examination for a chief electricity engineer's license the Specific Examination Affairs of which are administered by a Designated Examining Body, a person who intends to take an examination for a chief electricity engineer's license" in Article 112,

paragraph 1 shall be deemed to be replaced with "person who intends to obtain a recognition pursuant to Article 54, paragraph 4, item 2, a person who intends to take an examination for a chief electricity engineer's license, a person who intends to obtain a chief engineer's license."

(Transitional Measures Concerning Penal Provisions)

Article 16 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of Article 17, Article 22, Article 36, Article 37 or Article 39 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 [Act No. 65 of June 29, 1990] [Extract]

This Act shall come into force as from the date of enforcement of the Act for Partial Revision of the Commercial Code, etc.

(Transitional Measures Concerning Penal Provisions)

Article 42 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable pursuant to Article 3 (including the cases where it is applied mutatis mutandis pursuant to Article 10) and Article 12 of the Supplementary Provisions of the Act for Partial Revision of the Commercial Code, etc., the provisions then in force shall remain applicable.

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

(Transitional Measures Concerning Penal Provisions)

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

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

This Act shall come into force as from the date of enforcement of the Act for Partial Revision of the Commercial Code, etc.

**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. 75 of April 21, 1995]
[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

(Wholesale Electricity Utility)

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

(2) Where a person who has obtained, prior to the enforcement of this Act, a license for a Wholesale Electricity Business under Article 3, paragraph 1 of the Old Act (excluding, however, such person who shall be deemed pursuant to the preceding paragraph to have obtained a license under Article 3, paragraph 1 of the New Act) has promised to supply a General Electricity Utility with electricity to be used for its General Electricity Business, and such person has obtained a license or permission under Article 3, paragraph 1 or Article 8, paragraph 1 of the Old Act with respect to the Electric Facilities to be used for the electricity supply, the business conducted by the person as promised to supply the General Electricity Utility with electricity to be used for its General Electricity Business shall be deemed to be a Wholesale Electricity Business set forth in Article 2, paragraph 1, item 3 of the New Act, and the license that the person has obtained under Article 3, paragraph 1 of the Old Act (limited, however, to the part concerning the business deemed to be a Wholesale Electricity Business set forth in Article 2, paragraph 1, item 3 of the New Act) shall be deemed to have been obtained under Article 3, paragraph 1 of the New Act; provided, however, that this shall not apply with regard to the application of the provisions of Article 2, paragraph 3 and Article 29 of the New Act, and Article 24-4, paragraph 1 of the Electricity Business Act revised by Article 1 of the Act for Partial Revision of the Electricity Business Act and the Gas Business Act (Act No. 92 of 2003).

(Change of Electric Facilities)

Article 3 With regard to changes to the matters listed in Article 6, paragraph 2, item 4 of the Old Act, for which permission has been obtained under Article 8, paragraph 1 of the Old Act, it shall be deemed that notification has been given pursuant to Article 9, paragraph 1 of the New Act.

(Supply Conditions of General Electricity Utility)

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

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

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

(Supply Conditions for Wholesale Supply)

Article 6 (1) Rates and other supply conditions which have been approved under Article 22, paragraph 1 of the Old Act prior to the enforcement of this Act with respect to the electricity supply that falls under the category of Wholesale Supply set forth in Article 2, paragraph 1, item 9 of the New Act shall be deemed to have been approved under Article 22, paragraph 1 of the New Act.

(2) Where a person other than an Electricity Utility set forth in Article 2, paragraph 6 of the Old Act has promised, prior to the Date of Enforcement, to provide an electricity supply that falls under the category of Wholesale Supply set forth in Article 2, paragraph 1, item 9 of the New Act under particular rates and supply conditions, the person may, notwithstanding the provision of Article 22, paragraph 1 of the New Act, provide the Wholesale Supply under such supply conditions.

(Facility Plan and Supply Plan)

Article 7 A facility plan of Electric Facilities and an electricity supply plan for the business year that contains the Date of Enforcement, of which a General

Electricity Utility or a Wholesale Electricity Utility set forth in Article 2, paragraph 1, item 4 of the New Act has given notification pursuant to Article 29, paragraph 1 of the Old Act, shall be deemed to be a supply plan for which notification was given pursuant to Article 29, paragraph 1 of the New Act.

(Examination for Chief Electricity Engineer's License)

Article 8 A person who has passed a national examination for a chief electricity engineer's license conducted under Article 56 of the Old Act shall be deemed to have passed an examination for a chief electricity engineer's license conducted under Article 45 of the New Act.

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

(2) Examiners for a chief electricity engineer's license may, in addition to the affairs set forth in the preceding paragraph, state their opinions on the matters concerning the qualification of a chief electricity engineer when requested by the Ministry of International Trade and Industry.

(3) Until April 1, 1997, the Ministry of International Trade and Industry may have expert advisers for the examination for a chief electricity engineer's license in order to cause them to investigate technical matters concerning the examination for a chief electricity engineer's license.

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

(5) In addition to what is provided for in the preceding paragraphs, any necessary matters on Examiners, etc. shall be specified by a Cabinet Order.

(Effect of Dispositions, etc.)

Article 10 Any dispositions, procedures or other acts conducted prior to the Date of Enforcement pursuant to the provisions of the Old Act or any order issued thereunder shall, if the New 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 Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(Application of Penal Provisions)

Article 11 With regard to the application of penal provisions to any acts committed prior to the Date of Enforcement, the provisions then in force shall remain applicable.

(Delegation to Cabinet Order)

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

**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 Electricity Business Act)

Article 12 (1) With regard to the grant of a chief engineer's license to a person who has filed an application for a chief engineer's license, prior to the enforcement of Article 11, pursuant to Article 44, paragraph 2, item 3 of the Electricity Business Act prior to the revision by Article 11, the provisions then in force shall remain applicable.

(2) The provision of Article 55-2 of the Electricity Business Act revised by Article 11 shall not apply to the heir, the juridical person surviving after the merger or the juridical person newly established upon the merger in the case where inheritance or merger has taken place prior to the enforcement of Article 11.

(Transitional Measures Concerning Penal Provisions)

Article 17 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act 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. 88 of June 18, 1997]

(Effective Date)

Article 1 This Act shall come into force as from the date of enforcement of the Environmental Impact Assessment Act.

(Transitional Measures)

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

(2) With regard to the application of the provision of Article 47, paragraph 3 of the New Act to the approval of a change of the construction plan that has been approved, prior to the enforcement of this Act, pursuant to Article 47, paragraph 1 of the Electricity Business Act prior to the revision by this Act (hereinafter referred to as the "Old Act"), if the construction project falls under the category of Class 1 Projects or Class 2 Projects that shall be excluded, pursuant to Article 3, paragraph 1 or paragraph 3 of the Supplementary Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters 2 to 7 of the said Act, the phrase "the following items" in Article 47, paragraph 3 of the New Act shall be deemed to be replaced with "the following items (excluding items 3 and 4)."

(3) With regard to the application of the provisions of Article 48, paragraph 3 and paragraph 4 of the New Act to the notification given under Article 48, paragraph 1 of the Old Act prior to the enforcement of this Act and the notification of the change of the construction plan to which such notification pertained, if the construction project falls under the category of Class 1 Projects or Class 2 Projects that shall be excluded, pursuant to Article 3, paragraph 1 or paragraph 3 of the Supplementary Provisions of the Environmental Impact Assessment Act, from the application of the provisions of Chapters 2 to 7 of the said Act, the phrase "the items of paragraph 3 of the preceding Article" in Article 48, paragraph 3, item 1 of the New Act shall be deemed to be replaced with "the items of paragraph 3 of the preceding Article (excluding item 3 and item 4)," and the phrase "the items of the preceding paragraph" in Article 48, paragraph 4 of the New Act shall be deemed to be replaced with "item 1 or item 2 of paragraph 3 of the preceding Article or item 2 of the preceding paragraph."

(Delegation to Cabinet Order)

Article 3 In addition to what is provided for in the preceding Article, any

necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

(Review)

Article 4 When ten 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. 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 Electricity Business Act)

Article 2 (1) With regard to the assignment of facilities used for an Electricity Business or making them subject to any rights other than ownership (hereinafter referred to as "Assignment of Facilities, etc." in the next paragraph) for which permission has been obtained under Article 13, paragraph 1 of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Old Electricity Act"), it shall be deemed that notification has been given pursuant to Article 13, paragraph 1 of the Electricity Business Act revised by Article 1 (hereinafter referred to as the

"New Electricity Act").

- (2) An application for permission of Assignment of Facilities, etc. filed under Article 13, paragraph 1 of the Old Electricity Act prior to the enforcement of this Act shall be deemed to be a notification given pursuant to Article 13, paragraph 1 of the New Electricity Act.
- (3) Supply provisions approved under Article 19, paragraph 1 of the Old Electricity Act prior to the enforcement of this Act (excluding, however, the part exclusively pertaining to specified-scale demand prescribed in Article 2, paragraph 1, item 7 of the New Electricity Act (hereinafter referred to as "Specified-Scale Demand")) shall be deemed to be general supply provisions approved under Article 19, paragraph 1 of the New Electricity Act.
- (4) Optional Supply Provisions for which notification was given under Article 19, paragraph 4 of the Old Electricity Act prior to the enforcement of this Act (excluding, however, the part exclusively pertaining to Specified-Scale Demand) shall be deemed to be Optional Supply Provisions for which notification was given under Article 19, paragraph 7 of the New Electricity Act.
- (5) A General Electricity Utility that supplies electricity to meet Specified-Scale Demand under general supply provisions approved under Article 19, paragraph 1 of the Old Electricity Act, Optional Supply Provisions for which notification was given pursuant to paragraph 4 of the said Article, or rates and other supply conditions approved under the proviso of Article 21 of the Old Electricity Act may, if such approval or notification has been granted or given prior to the enforcement of this Act, continue to supply electricity to meet such Specified-Scale Demand as before on the date of enforcement of this Act (hereinafter referred to as the "Date of Enforcement") and thereafter, notwithstanding the provision of Article 21, paragraph 2 of the New Electricity Act.
- (6) Rates and other supply conditions approved under the proviso of Article 21 of the Old Electricity Act (excluding, however, the part exclusively pertaining to Specified-Scale Demand) shall be deemed, if they are approved by the Minister of International Trade and Industry within one month from the Date of Enforcement pursuant to the provision of an Ordinance of the Ministry of International Trade and Industry, to have been approved under the proviso of paragraph 1 of Article 21 of the New Electricity Act.
- (7) A General Electricity Utility may, within one month from the Date of Enforcement, supply electricity under the rates and other supply conditions approved under the proviso of Article 21 of the Old Electricity Act (excluding, however, the part exclusively pertaining to Specified-Scale Demand), without obtaining approval under the proviso of paragraph 1 of Article 21 of the New Electricity Act.
- (8) With regard to rates and other supply conditions approved under Article 22,

paragraph 1 of the Old Electricity Act prior to the enforcement of this Act, it shall be deemed that notification has been given pursuant to Article 22, paragraph 1 of the New Electricity Act.

- (9) An application for approval of supply conditions for Wholesale Supply filed under Article 22, paragraph 1 of the Old Electricity Act prior to the enforcement of this Act shall be deemed to be a notification given under Article 22, paragraph 1 of the New Electricity Act.

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

- (2) The provision of Article 19-2, paragraph 2 of the New Electricity Act shall apply mutatis mutandis to provisions to which the notification given under the preceding paragraph pertained.

- (3) A General Electricity Utility that has given a notification pursuant to paragraph 1 shall, pursuant to the provision of an Ordinance of the Ministry of International Trade and Industry, display the provisions for which notification was given pursuant to the said paragraph at a place accessible to the public in its business office or place of business.

- (4) Provisions for which notification was given pursuant to paragraph 1 shall become effective on the Date of Enforcement.

- (5) Provisions for which notification was given pursuant to paragraph 1 shall be deemed to be provisions for which notification was given pursuant to Article 19-2, paragraph 1 of the New Electricity Act.

Article 4 (1) A Designated Electricity Utility that has received designation under Article 24-3, paragraph 1 of the Old Electricity Act prior to the promulgation of this Act shall, by January 4, 2000, formulate Cross-Area Wheeling Service provisions prescribed in Article 24-3, paragraph 1 of the New Electricity Act to set rates and other supply conditions for such Cross-Area Wheeling Service with respect to electricity to be used for a Specified-Scale Electricity Business prescribed in Article 2, paragraph 1, item 7 of the New Electricity Act, and notify the Minister of International Trade and Industry of the rates and conditions pursuant to the provision of an Ordinance of the Ministry of

International Trade and Industry. The same shall apply where the Designated Electricity Utility intends to revise the rates and conditions (limited, however, to the cases where an order has been issued under Article 24-3, paragraph 3 of the New Electricity Act as applied mutatis mutandis pursuant to the next paragraph).

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

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

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

provisions for which notification was given pursuant to Article 24-4, paragraph 1 of the New Electricity Act.

- Article 6 (1) A person who has violated an order issued under Article 19-2, paragraph 2 of the New Electricity Act as applied mutatis mutandis pursuant to Article 3, paragraph 2 of the Supplementary Provisions, Article 24-3, paragraph 3 of the New Electricity Act as applied mutatis mutandis pursuant to Article 4, paragraph 2 of the Supplementary Provisions, or Article 24-4, paragraph 3 of the New Electricity Act as applied mutatis mutandis pursuant to paragraph 2 of the preceding Article 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 Article 3, paragraph 1 or Article 4, paragraph 1 of the Supplementary Provisions or paragraph 1 of the preceding Article, or given a false notification.
 - (ii) A person who has violated Article 3, paragraph 3 of the Supplementary Provisions.
 - (iii) A person who has, in violation of Article 4, paragraph 3 of the Supplementary Provisions or paragraph 3 of the preceding Article, failed to publicize necessary 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 7 Any dispositions, procedures or other acts conducted prior to the Date of Enforcement pursuant to the provisions of the Old Electricity Act or any order issued thereunder shall, if the New Electricity 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 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. 102 of July 16, 1999]
[Extract]**

(Effective Date)

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

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

(Succession of status as an official)

Article 3 A person who is an official (excluding, however, the chairperson and members of the Council, etc. under Article 8 of the National Government Organization Act (Act No. 120 of 1948)), the members of the Central Disaster Prevention Council, the chairperson and members of the Japanese Industrial Standards Committee, and those specified by a Cabinet Order as similar persons) of the former Prime Minister's Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of

International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labor, Ministry of Construction or Ministry of Home Affairs (hereinafter referred to as the "Former Office or Ministry" in this Article) at the time of enforcement of this Act shall, unless an appointment is announced separately, become a corresponding official of the Cabinet Office, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure, Transport and Tourism, or Ministry of the Environment after the enforcement of this Act (hereinafter referred to as the "New Office or Ministry" in this Article) or a department or organization established thereunder, which is specified by a Cabinet Order as the New Office or Ministry or the department or organization established thereunder that corresponds to the Former Office or Ministry or the department or organization established thereunder to which the said official belongs at the time of enforcement of this Act, with the same working conditions.

(Transitional Measures Otherwise Provided)

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

**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.

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

Article 39 A person who intends to receive designation under Article 50-2, paragraph 3, Article 52, paragraph 3, or Article 55, paragraph 2 of the Electricity Business Act revised by Article 9 (hereinafter referred to as the "New Electricity Business Act") may file an application for designation prior to the enforcement of Article 9. The same shall apply where the person intends to

file an application for approval of Operational Rules under Article 72, paragraph 1 of the New Electricity Business Act as applied mutatis mutandis pursuant to Article 81-3 of the New Electricity Business Act.

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

Article 41 With regard to an inspection of machines and apparatuses of which an application for inspection has been filed, prior to the enforcement of Article 9, pursuant to Article 52, paragraph 1 of the Electricity Business Act prior to the revision by Article 9 (hereinafter referred to as the "Old Electricity Business Act"), the provisions then in force shall remain applicable.

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

Article 43 A person who has received designation under Article 57-2, paragraph 1 of the Old Electricity Business Act prior to the enforcement of Article 9 shall be deemed to have received designation under Article 57-2, paragraph 1 of the New Electricity Business Act on the date of enforcement of Article 9.

(Effect of Dispositions, etc.)

Article 68 Any dispositions, procedures or other acts conducted, prior to the enforcement of this Act (or the respective provisions listed in the items of Article 1 of the Supplementary Provisions), pursuant to the provisions of the respective Acts prior to the revision (including orders issued thereunder; hereinafter the same 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. 53 of April 28, 2000] [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

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. 75 of June 27, 2001]
[Extract]**

(Effective Date, etc.)

Article 1 This Act shall come into force as from April 1, 2002 (hereinafter referred to as the "Date of Enforcement"), and shall apply to short-term bonds, etc. issued on the Date of Enforcement and thereafter.

(Transitional Measures Concerning Application of Penal Provisions)

Article 7 With regard to the application of penal provisions to any acts committed prior to the Date of Enforcement as well as any acts committed after the Date of Enforcement 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 8 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 9 When five years have elapsed since the enforcement of this Act, the government shall, while taking into account the status of enforcement of this Act and changes in the socioeconomic circumstances, review the system concerning Transfer Agencies, and take any necessary measures based on the review results.

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

(Effective Date)

Article 1 This Act shall come into force as from January 6, 2003.

(Transitional Measures Concerning Application of Penal Provisions)

Article 84 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act (or the respective provisions of the items of Article 1 of the Supplementary Provisions; hereinafter the same 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 of Other Transitional Measures to Cabinet Order)

Article 85 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 86 When five years have elapsed since the enforcement of this Act, the government shall, while taking into account the status of enforcement of the new Act on Transfer of Bonds, etc., the new Securities Exchange Act, and the Financial Futures Exchange Act as well as changes in the socioeconomic circumstances, review the systems concerning Participant Protection Trusts prescribed in Article 2, paragraph 11 of the new Act on Transfer of Bonds, etc., Securities Clearing Agencies prescribed in Article 2, paragraph 31 of the new Securities Exchange Act and Financial Futures Clearing Agencies prescribed in Article 2, paragraph 15 of the new Financial Futures Exchange Act, and take measures as required based on the review results where it finds it necessary.

Supplementary Provisions [Extract from Act No. 178 of December 18, 2002] [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 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 two articles following Article 107 of the Electricity Business Act, and the provisions for revision in Article 2 to add two articles following Article 72-2 of the Act on Control of Nuclear

Source Materials, Nuclear Fuel Materials and Reactors: April 1, 2003.

- (ii) The provision of Article 3: 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. 179 of December 18, 2002] [Extract]

(Effective Date)

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

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

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

(Transitional Measures Concerning Application of Penal Provisions)

Article 13 With regard to the application of penal provisions to any acts committed prior to the enforcement of the proviso of Article 1 of the Supplementary Provisions as well as any acts committed after the enforcement of the said proviso 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 14 In addition to what is provided for in Articles 2 to 7, Article 9, Article 11, and the preceding Article in the Supplementary Provisions, any necessary transitional measures upon the establishment of the JNES and any other necessary measures for the enforcement of this Act shall be specified by a Cabinet Order.

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

(Effective Date)

Article 1 This Act shall come into force as from April 1, 2004.

(Transitional Measures Concerning Application of Penal Provisions)

Article 38 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

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

(Review)

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

**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 Electricity Business Act)

Article 9 (1) A person who intends to be registered under Article 50-2, paragraph 3, Article 52, paragraph 3, Article 55, paragraph 4, or Article 57-2, paragraph 1 of the Electricity Business Act revised by Article 8 (hereinafter referred to as the "New Electricity Business Act") may file an application for registration

prior to the enforcement of this Act. The same shall apply where the person intends to give a notification of the Operational Rules under Article 73, paragraph 1 or Article 92-3, paragraph 1 of the New Electricity Business Act.

- (2) A person who has received designation, prior to the enforcement of this Act, under Article 50-2, paragraph 3, Article 52, paragraph 3, or Article 55, paragraph 4 of the Electricity Business Act prior to the revision by Article 8 (hereinafter referred to as the "Old Electricity Business Act") or under Article 57-2, paragraph 1 of the Old Electricity Business Act shall be deemed to have been registered under Article 50-2, paragraph 3, Article 52, paragraph 3, or Article 55, paragraph 4 of the New Electricity Business Act or under Article 57-2, paragraph 1 of the New Electricity Business Act respectively. In this case, the registration shall be valid for the period during which the designation under Article 50-2, paragraph 3, Article 52, paragraph 3, or Article 55, paragraph 4 of the Old Electricity Business Act or under Article 57-2, paragraph 1 of the Old Electricity Business Act remains valid.
- (3) With regard to a Safety Management Examination for which an application has been filed at the Minister of Economy, Trade and Industry, prior to the enforcement of this Act, pursuant to Article 50-2, paragraph 3, Article 52, paragraph 3, or Article 55, paragraph 4 of the Old Electricity Business Act, the provisions then in force shall remain applicable.

(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 Electricity Business Act)

Article 2 (1) With regard to the change to which a notification given prior to the enforcement of this Act, pursuant to Article 9, paragraph 1 of the Electricity Business Act prior to the revision by Article 1 (hereinafter referred to as the "Old Electricity Business Act") pertained, the provisions then in force shall remain applicable.

(2) With regard to the grant of a license under Article 17, paragraph 1 of the Old Electricity Business for which an application has been filed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

Article 3 (1) A General Electricity Utility that has obtained a license under Article 3, paragraph 1 of the Old Electricity Business Act prior to the

promulgation of this Act shall, by January 4, 2005, formulate Wheeling Service provisions prescribed in Article 24-3, paragraph 1 of the Electricity Business Act revised by Article 1 (hereinafter referred to as the "New Electricity Business Act") pursuant to the 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. The same shall apply where the General Electricity Utility intends to revise the provisions (limited, however, to the cases where an order has been issued under paragraph 3 of the said Article as applied mutatis mutandis pursuant to the next paragraph).

- (2) The provision of Article 24-3, paragraph 3 of the New Electricity Business Act shall apply mutatis mutandis to Wheeling Service provisions for which notification was given pursuant to the preceding paragraph.
- (3) A General Electricity 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 Wheeling Service provisions for which notification was given pursuant to the said paragraph.
- (4) Wheeling Service provisions for which notification was given pursuant to paragraph 1 shall become effective on the date of enforcement of this Act.
- (5) Wheeling Service provisions for which notification was given pursuant to paragraph 1 shall be deemed to be Wheeling Service provisions for which notification was given pursuant to Article 24-3, paragraph 1 of the New Electricity Business Act.

Article 4 (1) A person who has violated an order issued under Article 24-3, paragraph 3 of the New Electricity Business Act as applied mutatis mutandis pursuant to paragraph 2 of the preceding Article 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 5 The grant of approval under the proviso of paragraph 2 of Article 24-3 and the proviso of paragraph 1 of Article 24-4 of the New Electricity Business Act as well as procedures and other acts necessary for such grant may be conducted prior to the enforcement of this Act.

Article 6 Any dispositions, procedures or other acts conducted prior to the date of enforcement of this Act pursuant to the provisions of the Old Electricity Business Act or any order issued thereunder shall, if the New Electricity 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 Electricity Business Act or the order issued thereunder, except those otherwise provided by the Supplementary Provisions.

(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. 88 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 five years from the date of promulgation (hereinafter referred to as the "Date of Enforcement").

(Transitional Measures Concerning Application of Penal Provisions)

Article 135 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Act as well as any acts committed after the enforcement of this Act in the cases where the provisions then in force shall remain applicable or remain in force pursuant to the Supplementary Provisions, the provisions then in force shall remain applicable.

(Delegation to Other Transitional Measures to Cabinet Order)

Article 136 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 137 When five years have elapsed since the enforcement of this Act, the government shall, while taking into account the status of implementation of respective provisions revised by this Act and changes in the socioeconomic circumstances, review the settlement system concerning stock trading, etc. as revised by this Act, and take measures as required based on the review results 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. 87 of July 26, 2005]
[Extract]**

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